MINETA TRANSPORTATION INSTITUTE

Rail Passenger Selective Screening Summit

MTI Report S-09-01

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Created by Congress in 1991

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The Norman Y. Mineta International Institute for Surface Transportation Policy Studies (MTI) was established by Congress as part of the Intermodal Surface Transportation Efficiency Act of 1991. Reauthorized in 1998, MTI was selected by the U.S. Department of Transportation through a competitive process in 2002 as a national "Center of Excellence." The Institute is funded by Congress through the United States Department of Transportation's Research and Innovative Technology Administration, the California Legislature through the Department of Transportation (Caltrans), and by private grants and donations.

The Institute receives oversight from an internationally respected Board of Trustees whose members represent all major surface transportation modes. MTI's focus on policy and management resulted from a Board assessment of the industry's unmet needs and led directly to the choice of the San José State University College of Business as the Institute's home. The Board provides policy direction, assists with needs assessment, and connects the Institute and its programs with the international transportation community.

MTI's transportation policy work is centered on three primary responsibilities:

Research

MTI works to provide policy-oriented research for all levels of government and the private sector to foster the development of optimum surface transportation systems. Research areas include: transportation security; planning and policy development; interrelationships among transportation, land use, and the environment; transportation finance; and collaborative labor-management relations. Certified Research Associates conduct the research. Certification requires an advanced degree, generally a Ph.D., a record of academic publications, and professional references. Research projects culminate in a peer-reviewed publication, available both in hardcopy and on TransWeb, the MTI website (http://transweb.sjsu.edu).

Education

The educational goal of the Institute is to provide graduate-level education to students seeking a career in the development and operation of surface transportation programs. MTI, through San José State University, offers an AACSB-accredited Master of Science in Transportation Management and a graduate Certificate in Transportation Management that serve to prepare the nation's transportation managers for the 21st century. The master's degree is the highest conferred by the California State University system. With the active assistance of the California Department of Transportation, MTI delivers its classes over a state-of-the-art videoconference network throughout the state of California and via webcasting beyond, allowing working transportation professionals to pursue an advanced degree regardless of their location. To meet the needs of employers seeking a diverse workforce, MTI's education program promotes enrollment to under-represented groups.

Information and Technology Transfer

MTI promotes the availability of completed research to professional organizations and journals and works to integrate the research findings into the graduate education program. In addition to publishing the studies, the Institute also sponsors symposia to disseminate research results to transportation professionals and encourages Research Associates to present their findings at conferences. The World in Motion, MTI's quarterly newsletter, covers innovation in the Institute's research and education programs. MTI's extensive collection of transportation-related publications is integrated into San José State University's world-class Martin Luther King, Jr. Library.

MTI REPORT S-09-01

RAIL PASSENGER SELECTIVE SCREENING SUMMIT

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This publication is an edited transcript of the Rail Passenger Selective Screening Summit, which was co-sponsored by MTI and the American Public Transportation Association (APTA) in Chicago, Illinois on June 18, 2009, during APTA's annual Rail Conference.

The workshop was moderated by Brian Michael Jenkins, director, Mineta Transportation Institute's National Transportation Security Center of Excellence (NTSCOE). Speakers included Bruce R. Butterworth, co-author, *Selective Screening of Rail Passengers*; Greg Hull, president, American Public Transportation Association (APTA); Paul MacMillan, chief of police, Massachusetts Bay Transportation Authority, Transit Police Department; Ron Masciana, deputy chief, Metropolitan Transit Authority (MTA), New York; Jesus Ojeda, security coordinator, Southern California Regional Rail Authority; Ed Phillips, operations deputy, Office of Security, Amtrak; and John P. Sammon, assistant administrator, Transportation Sector Network Management, Transportation Security Administration (TSA).

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• Bruce R. Butterworth, co-author, *Selective Screening of Rail Passengers*

• Greg Hull, president, American Public Transportation Association (APTA)

• Brian Michael Jenkins, director, Mineta Transportation Institute's National Transportation Security Center of Excellence (NTSCOE)

• Paul MacMillan, chief of police, Massachusetts Bay Transportation Authority, Transit Police Department

• Ron Masciana, deputy chief, Metropolitan Transit Authority (MTA), New York

• Jesus Ojeda, security coordinator, Southern California Regional Rail Authority

• Ed Phillips, operations deputy, Office of Security, Amtrak

• John P. Sammon, assistant administrator, Transportation Sector Network Management, Transportation Security Administration (TSA)

• Dave Schlesinger, course manager, Transportation Safety Institute

This special rail security summit, which was co-sponsored by MTI and APTA, was organized and produced by MTI's Director of Communications and Special Projects, Donna Maurillo.

Other MTI staff instrumental in making this edited transcript available include Student Publications Assistant Sahil Rahimi and Student Webmaster and Technical Assistant Ruchi Arya.

Transcription services were provided by Meg Dastrup at Word Power Plus, with editing and publication production services by Catherine Frazier.

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FOREWORD

There is no doubt that the events of 9/11 forever changed the way transportation professionals implement security measures not only at airports, but also in heavily-trafficked (and difficult to secure) rail and subway stations, bus terminals, and within the vehicles themselves.

A great deal of expertise has gone into studying and predicting terrorist behavior in surface transportation. I am proud that the Mineta Transportation Institute (MTI) has been on the leading edge of this research, long before 9/11, with a symposium on terrorism in surface transportation. This was hosted at San José State University (SJSU) in 1996. Further, MTI published Brian Michael Jenkins' report, *Protecting Surface Transportation Systems and Patrons from Terrorist Activities*, in December 1997. A few weeks after 9/11, MTI mobilized and hosted a National Transportation Security Summit on October 30, 2001 in Washington DC. That same month, MTI also released the third in a series of publications examining best security practices in surface transportation—*Protecting Public Surface Transportation Against Terrorism and Serious Crime: Continuing Research on Best Security Practices* by Brian Jenkins and Larry Gersten.

In 2007, the Department of Homeland Security named MTI as a National Transportation Security Center of Excellence (NTSCOE), with noted counterterrorism expert Brian Michael Jenkins at the helm as director. With this transportation security function, MTI will provide research support in developing new technologies, tools and advanced methods to defend, protect, and increase the resilience of the United States' multimodal transportation infrastructure. In the coming months, MTI's NTSCOE will contribute to the study of counterterrorism measures with updated publications and case studies.

This publication is an edited transcript of the Rail Passenger Selective Screening Summit, which was co-sponsored by MTI and the American Public Transportation Association in Chicago, Illinois on June 18, 2009, during APTA's annual Rail Conference.

I would like to thank the principal presenters at this event, including Brian Jenkins, Bruce Butterworth, and John Sammon. Panelists Paul MacMillan, Ron Masciana, Jesus Ojeda, Ed Phillips and Dave Schlesinger provided a great deal of information to the workshop attendees. And indeed, the workshop attendees themselves added much to the dialogue.

Thanks also to Greg Hull and APTA for their ongoing support.

Finally, I offer my congratulations to MTI's Director of Communications and ITT, Donna Maurillo, for making this Rail Passenger Selective Screening Summit such a successful teaching and learning event.

Rod Diridon, Sr.

Executive Director, MTI

EXECUTIVE SUMMARY

The 1993 and 9/11 attacks on New York City's World Trade Center forever changed the way transportation professionals in the United States implement security measures, not only in airports, but also for all surface transportation modalities, including bus and railway stations, and also the vehicles themselves, all of which are prime targets for terrorism. Further attacks on rail systems in Madrid, London and Mumbai, among others, have provided researchers with plenty of raw data for study.

This e-publication is an edited record of a special Rail Passenger Selective Screening Summit which was held on June 17, 2009 as part of the American Public Transportation Association's annual rail conference, which was held in Chicago, Illinois, and co-sponsored by the Mineta Transportation Institute and APTA. The interactive workshop brought together experts in the transportation security industry and security practitioners who are "out in the trenches" providing rail security for systems of various sizes and varieties, from light rail to heavy commuter rail to Amtrak.

The event's principal presenters were Brian Michael Jenkins, director of the National Transportation Center of Excellence at MTI, and Bruce Butterworth, co-author of the MTI publication, *Selective Screening of Rail Passengers*. The pair is in the process of updating their previous publications on terrorism and creating a searchable database which will contain a chronology of attacks on surface transportation systems.

Other presenters included Paul MacMillan, chief of police, Massachusetts Bay Transportation Authority Police Department; Ron Masciana, deputy chief, Metropolitan Transit Authority (MTA), New York; Ed Phillips, operations deputy, Office of Security, Amtrak; Dave Schlesinger, course manager, Transportation Safety Institute; and Jesus Ojeda, security coordinator, Southern California Regional Rail Authority.

Topics of discussion included an overview of security best practices, selective screening techniques, security staff training, legal issues, funding challenges and establishing agency policy and procedures.

This publication has had sensitive and identifying material, such as specific agency names and brand names, removed to ensure agency privacy and security.

BRIAN MICHAEL JENKINS AND BRUCE BUTTERWORTH: RAIL PASSENGER SELECTIVE SCREENING

GREG HULL

The American Public Transportation Association has had a longstanding relationship with the Mineta Transportation Institute, and we've partnered with MTI in a number of areas. Certainly, as MTI has taken on a leading role in the areas of security, research and policies, we have worked closely in those areas as well. Quite often, in fact, as we are citing information, and even in our testimonies that we give to Congress, it's work coming out of MTI that enables us to speak credibly of the status of security and countering terrorism, particularly in our industry, public transportation. We certainly thank MTI for all of the good work that they're engaged in

I had the opportunity to get caught up on some of the projects and publications from MTI that we can anticipate being made available to us in the coming months, and I'm very excited to be the recipient of those products.

I've worked very closely over the past several years with both Brian Michael Jenkins and Bruce Butterworth. I have participated in forums and have had the opportunity to join them in providing support for some of their activities, and I'm sure that what you're going to hear today, through the group that's been brought together, you will come away more enlightened and better informed in these areas that we're going to be addressing with respect to policies on conducting of searches. So, on behalf of APTA, welcome.

BRIAN M. JENKINS

Thank you very much, Greg.

I am Brian Jenkins and I direct the National Transportation Security Center of Excellence (NTSCOE) at the Mineta Transportation Institute. The Mineta Transportation Institute has been involved in research on surface transportation security since 1996. Since 1991, MTI has been one of the centers of research sponsored by the Department of Transportation. In 2007, the Mineta Transportation Institute was selected by the Department of Homeland Security (DHS) as one of the centers of excellence. Although our budget remains tight, this support does allow us to not only continue our work, but to create jointly-funded projects that bridge DOT and DHS concerns. It certainly has increased the workflow for the NTSCOE, which is the entity within MTI that addresses security.

Greg Hull mentioned some of the things that we are working on. Today we are going to be talking about selective screening: one of the reports that we have scheduled for this year includes overall trends in attacks on surface-transportation systems. More than ten years ago, MTI was one of the first organizations to create a chronology of attacks on surface transportation systems. Now we are going to take that information—what was essentially a narrative set of entries—and digitize it. We're in the process of doing that now, to turn that information into a much more powerful research tool so that we can examine the trends.

One of the things that we've been specifically asked by the Department of Homeland Security to do is to provide research support to their counter-IED (improvised explosive device). We will be producing a report that is looking at the use of improvised explosive devices by terrorists against surface transportation targets, but in great detail—looking at the types of devices, at the placement of devices, trends over time, where in the systems the greatest casualties occur when these events take place. That report will be coming out later this year. We also have several case studies coming out. Overall there are about seven or eight major reports that will be coming out this year.

In addition to the research reports, we have been doing these summits. To me, "summit" is a high-fallutin' term. Greg's got the right idea—these are workshops and really ought not to be perceived only as us presenting information to you, because there is as much experience on your side of the podium as there is on my side. These are very informal sessions, and we're going to be inviting comments and discussion as much as we are presenting the results of our research.

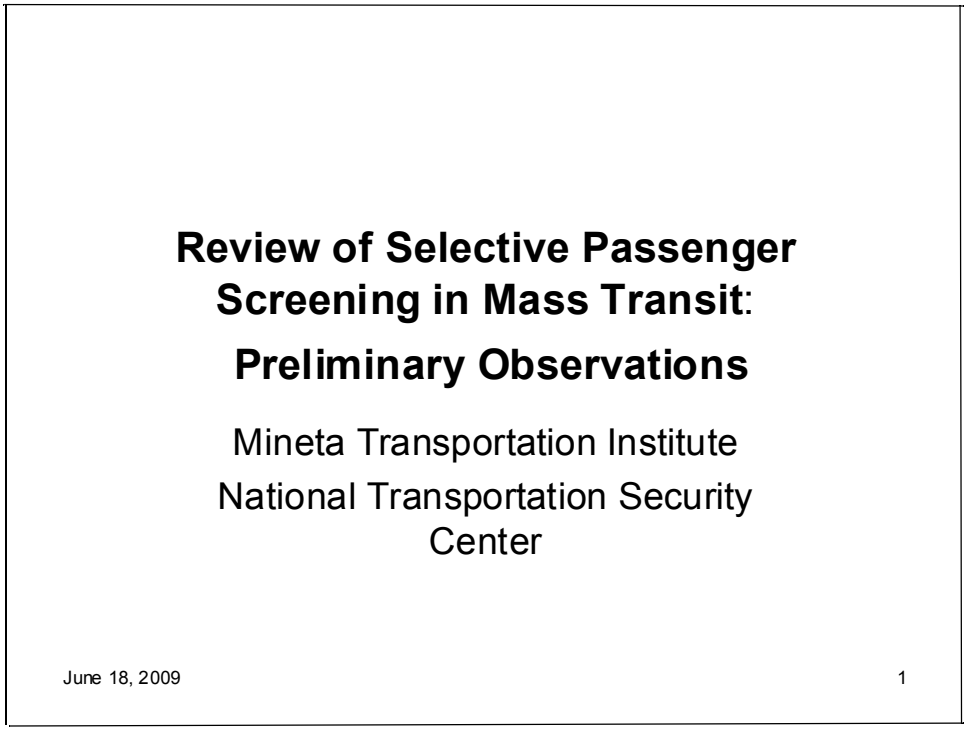
The process of these summits formally began in 2001. There had been earlier conferences, but right after 9/11, then-Secretary of Transportation Norm Mineta said, "I want to pull together all the operators of surface transportation systems. W.e need to bring them up-to-date on terrorist threats, what DOT is going to do about it, and how we're going to address this."

MTI was able to put that together within three weeks of 9/11. That's because we already had five or six years of research under our belts. That enabled us to respond quickly. Since then, these symposiums have become regular features of our work. They are workshops, and we use them to introduce new research and elicit views through discussions, which, in turn, we incorporate not only in a report on the meeting itself, but bring back into the final report as we write that. So you are all actually enlisted in a peer-review process as we go along. We're not going to be handing out a report today, but we are going to make the edited proceedings available.

We'll start off today with a discussion of our recent research on selective screening. Then we have assembled a five-member panel. We actually have about a century and a half of transportation security experience on the panel itself. I'll introduce the members of that panel after the break.

Then at lunch, John Sammon from TSA will be joining us to say a few words. After lunch, we'll continue the discussion for as long as we want to. We're scheduled to break up at three.

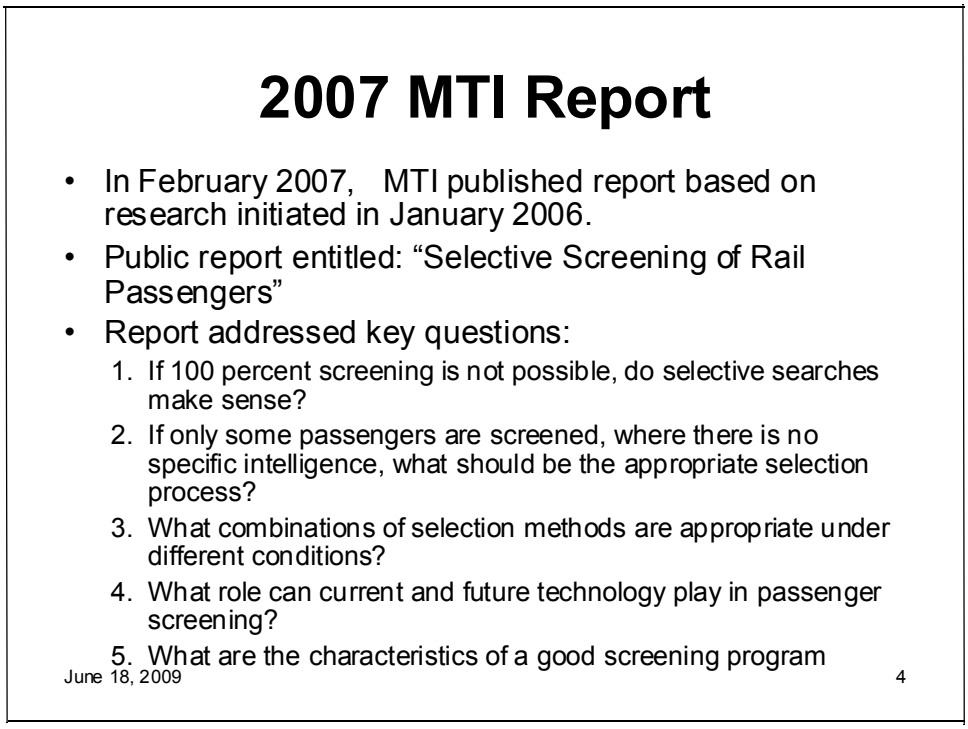
I'm going to introduce what we've done at MTI and talk about some of the broad issues of selective screening, and some of the issues of implementation. Then I'm going to turn things over to Bruce, who will describe some of the components of these selective screening systems, and then I'm going to come back and talk about some of the operations, some of the lessons learned, and then we'll take a break and come back with our panel.



The subject of selective screening is a little bit like plutonium. It's a security measure that doesn't go down easy, and as you all understand, there's a lot of sensitivity about this particular issue. Several years ago, MTI took on the task of looking at the issue of selective screening, and in 2007, produced a report (Brian Michael Jenkins and Bruce Butterworth, *Selective Screening of Rail Passengers, MTI Report 06-07*) based on research conducted in 2006. I'll be talking about the background and implementation decisions. Bruce Butterworth will then talk about components. Then I'll conclude with lessons learned, best practices, and some issues for discussion.

I want to bring to your attention another report that was put out by Stephan A. Parker through the TCRP (Transit Cooperative Research Program). *Public Transportations Passenger Security Inspections: A Guide for Policy Decision Makers*. It is an excellent report that also deals with screening and is a guide for policy and decision-making. TCRP has an array of products and reports which are valuable, and a monthly status report of what is ongoing and what is about to come out. I have got copies here available for people who want it.

In our 2007 MTI report, Bruce and I asked what we thought were the key questions at the time. Clearly, 100 percent passenger screening for surface transportation simply wasn't realistic. Applying the commercial aviation model wasn't going to work here, for a variety of reasons—volume of passengers, the number of screeners that would be required if screening were increased, the number of boardings of people that would have to be screened. The cost would be enormous. Waiting in line 15 minutes or in some cases, 30 minutes, to board a plane to fly across the country is acceptable. If you're going to take a 25-minute subway ride, waiting 15 or 20 minutes in a security line is not acceptable. So the question was, "If 100 percent screening is not going to work, do selective searches work? Is it an option?"



If only some passengers are to be screened where there is no specific intelligence, then what selection methods or combination of selection methods, under different conditions, might be appropriate? How do you do the selection process?

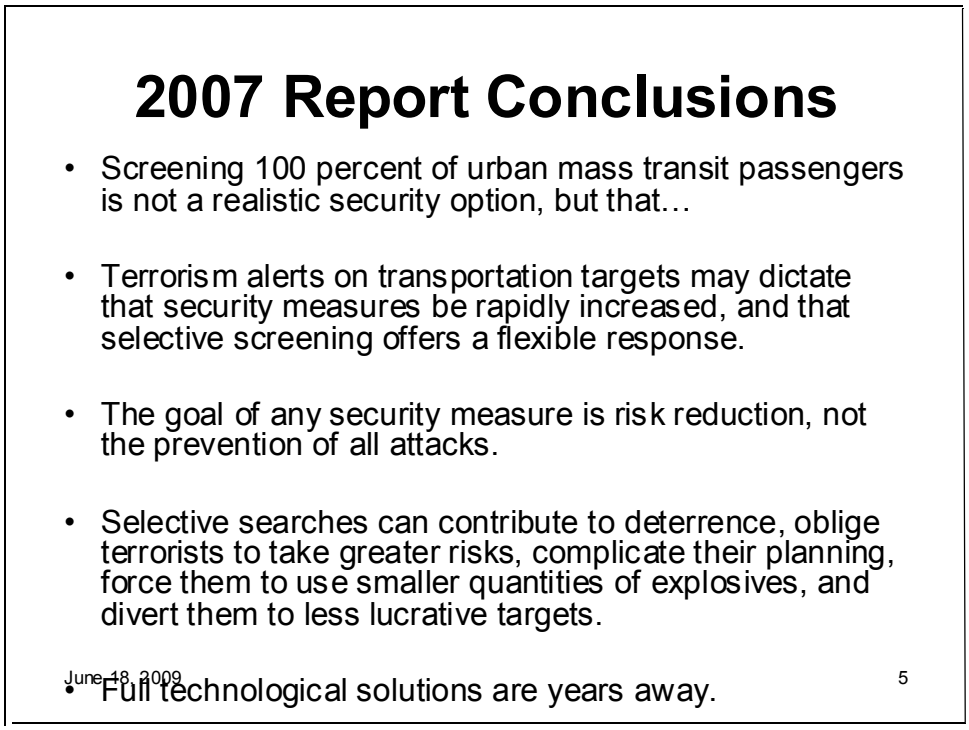
We also wanted to take a look at technology in our 2007 report, what was available at the time, what was on the drawing boards, what was on the horizon, in terms of availability of technology that would affect passenger screening. And we wanted to ask, "What would be the ingredients of what we'd call a good selection program?

We concluded that 100 percent screening was not an option; but certainly, there were circumstances where selective screening would, and did, make sense.

For example, there might be a situation where there would be an alert, or where an attack had occurred on a system, and we were worried about copycats or other components of the original attack that we weren't yet aware of.

Therefore, among the security measures that could be rapidly implemented or increased, selective screening offered a flexible response. When we talk about selective screening, we have to talk about it in terms of risk reduction, not the prevention of all attacks.

With commercial aviation security, you're really talking about prevention—you're going for 100 percent prevention. When we talk about selective screening, we're not talking about absolute prevention. We're talking about deterrence. We're talking about complicating the task of the bad guys, talking about moving them away from some of their preferred targets to some less-lucrative targets. We are talking about risk reduction.



There is historical support for risk reduction. One of the case studies that we did years ago of the IRA bombing campaign showed just that. This was good campaign to study; it ran 25 years, therefore it gives us lots of data so that we can see how terrorists responded to things. They were going after very lucrative targets like Victoria Station and other locations in the heart of London.

As the authorities began to implement security measures, the IRA attacks began to focus on the stations in the suburbs, and as the authorities spread those security measures further out, the IRA was ultimately reduced to carrying out attacks on signal boxes and remote stations. The measures didn't end the terrorism campaign, but it did reduce the risk by reducing their return on investment in terms of casualties. Now that changed in a different environment when terrorists went to suicide bombers, but at least it raised the threshold, indicating that a particular regime of security works unless somebody is willing to commit suicide.

Overall, we were able to say that selective searches can contribute to deterrence. They oblige the terrorists to take greater risks. Screening complicates their planning. Screening may force terrorists to use smaller quantities of explosives. They may divert to less lucrative targets.

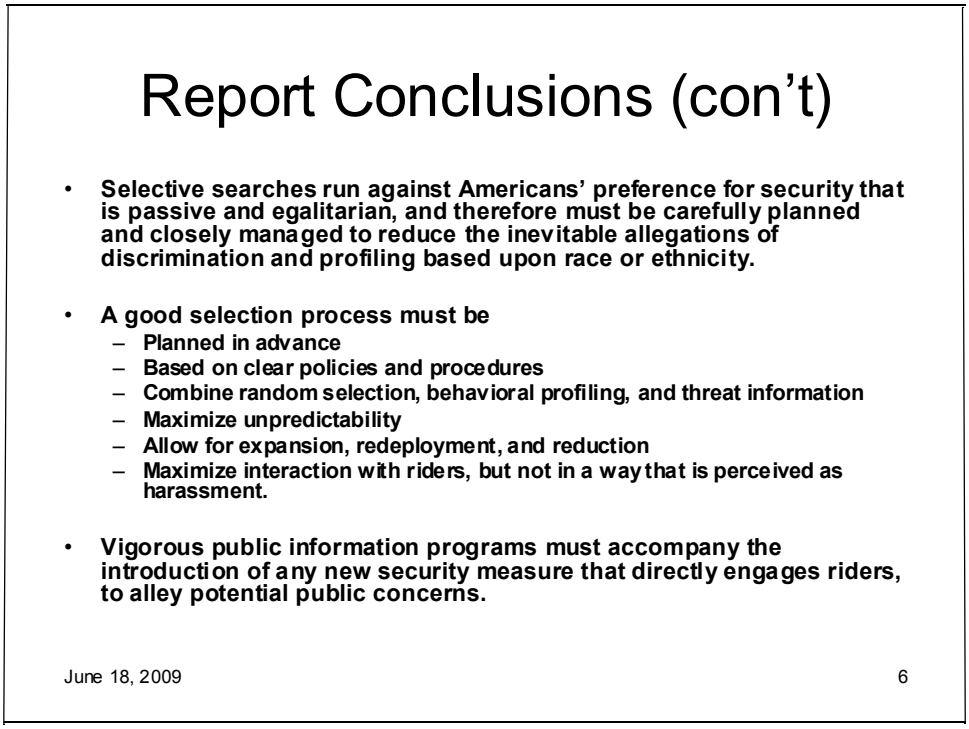
JOHN MC PARTLAND

If you were to try to do something like that in the state of California, the first thing that's going to jump up is, "What's the criteria you're using for that random selection?" and "You're profiling me and my friends."

BRIAN JENKINS

You bet. And we will come to that, but that indeed is the tricky part—How do you do the selection?

We've looked—are there any technological silver bullets out there? No, not really. I mean there is some interesting technology and there are some good things being done by DHS Science and Technology, but we don't have a silver bullet yet.



Selective screening runs directly contrary to an American preference for security that is non-intrusive, passive and that is egalitarian. We want to see everybody treated exactly the same way.

And that's the tricky part. Clearly, one of the challenges is that you do have to reduce the inevitable allegations of discrimination and profiling based upon race or ethnicity. To answer your question directly, there are three bases for selecting someone for screening. One is a truly mathematically random selection. That is, a police chief at the beginning of the day says, "It's going to be every seventh or every thirteenth passenger." It's numerically generated. Some of the departments do it in different ways, and Bruce will get into these different ways of assuring randomness. But it's mathematically driven. Some agencies actually have little random number generators.

A second criterion is some aspect of observed behavior or clothing. In other words, it would be legitimate to say, "We're not simply going to inspect every seventh person. We're going to inspect every seventh person that is carrying a parcel, backpack, suitcase or bag of a certain size." You can use those two in combination.

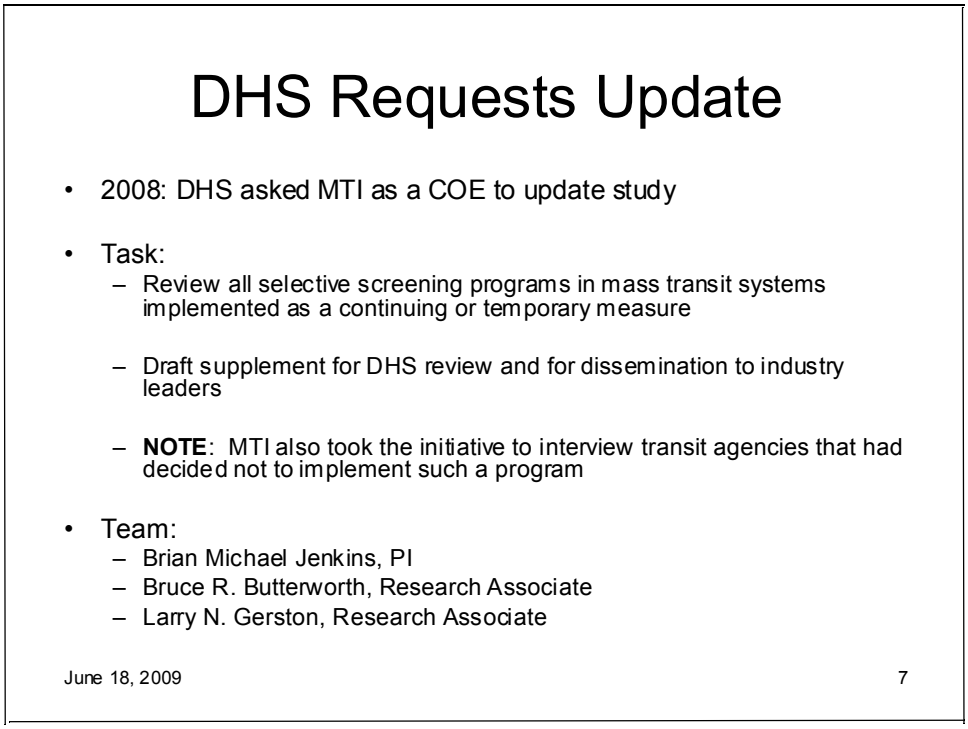
A third criterion—which is a rare one—would be if you have specific intelligence that tells you that should be looking for a specific person or group. Clearly, race or ethnicity would not only be inappropriate, given our society. It would also be poor security. If you ask me,

and I've been involved in research on terrorism for a number of years—what does a terrorist look like? I would be hard-pressed to tell you.

The youngest terrorist that I know about that carried out a successful suicide bombing, killing the prime minister of India, was 12 years old. The oldest was 73. Males and females have carried out attacks. In our diverse society, it would be stupid to have a security system based upon a profile. Bruce will come back to this.

A good selection process must be planned in advance. This is not something you do ad hoc, but you have to have very clear policies and procedures. You can combine selection methods. You can combine random selection with behavioral profiling and specific threat information. You want to maximize the unpredictability of it, and you want something that you can expand, move around, or reduce, depending on the situation. So you want a very flexible platform for this thing. You want something that maximizes interaction, because frequently, it's not just the inspection—it's the interaction that accompanies it.

You have to have a vigorous public information program to explain to people what you are doing and to allay some of the inevitable suspicions. These are going to vary in different parts of the country.



In 2008, we were asked by the Department of Homeland Security if we would update our 2006 study. Several years had passed since we did the study. We wanted to see what lessons had been learned from the systems that were in place and operating. We also were curious about those specific decisions where operators or authorities said, "We're not going to implement this."

We did some interviews over the telephone. We also did go out and observe some of the inspection programs in Penn Station, in New Jersey, and Washington. We wanted to identify the components of each search program, those issues with regard to legal

authority, selection process, the inspection process. When there is a "hit," how do they resolve it? How do they handle public information. What are some of the dilemmas?

Scope and Methodology

- Interviews conducted telephonically or in person: 10
- All passenger inspection programs observed: 5
- Approach:
  - Identify common and unusual components of programs. For example:
    - How legal authority and constraints are dealt with
    - How passengers are selected
    - What is inspected, and how
    - How "hits" are resolved
    - How public information is handled
    - How deterrence and community policing are maximized
  - Identify the factors that influenced transit agencies to implement programs.
  - Identify dilemmas facing all agencies.
  - Identify best practices and lessons learned.
- Guarantee: Program specifics safeguarded

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Purpose Today

- Our observations are preliminary.
- Today, we want to
  - Present observations to transit operators
  - Provoke a discussion
  - Elicit reactions and corrections
- We also have a view: We want to make selective screening a more viable option.

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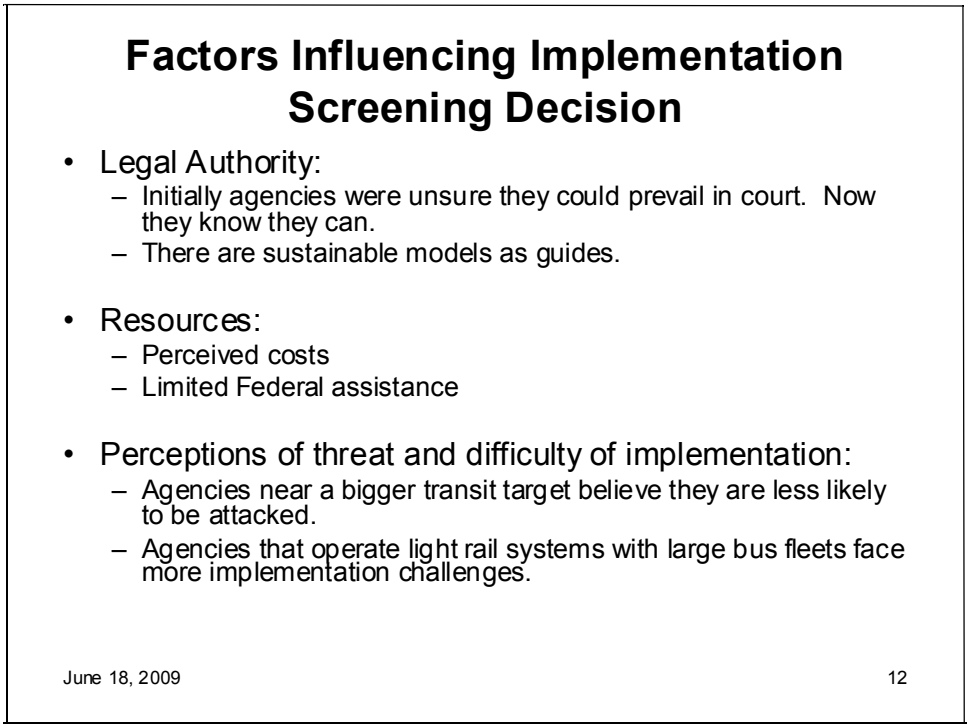
What we're talking about is search, examination, of a person or an article through questioning or a search. Screening can either be passive, that is, with TV or observation,

but that's different from an inspection or search. Selective means something less than a hundred percent, and how do you get to that?



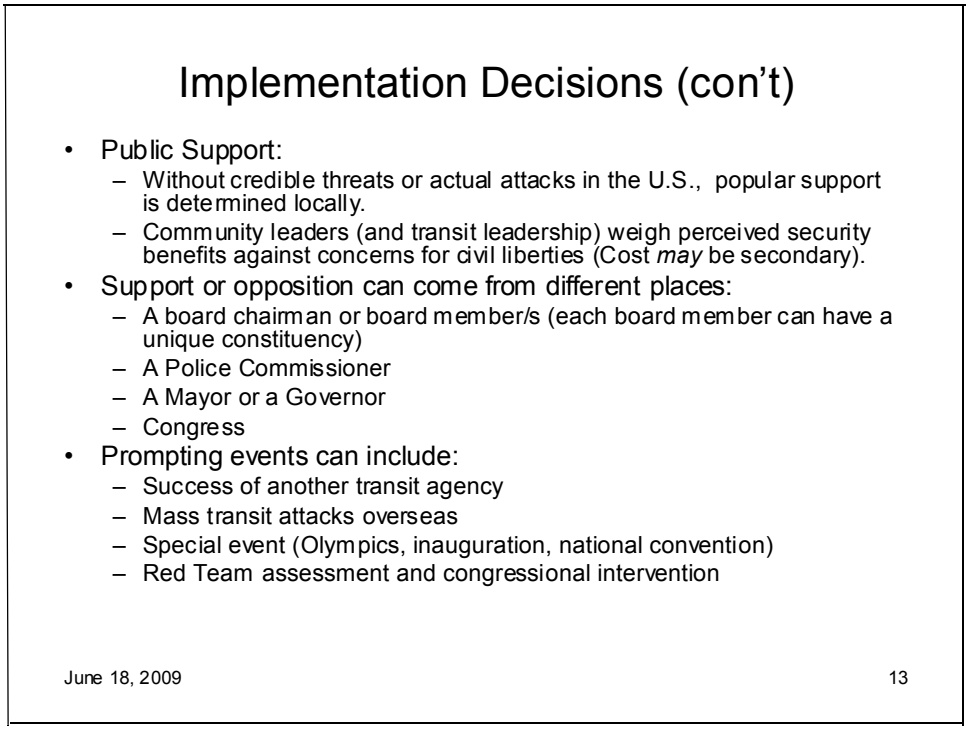
We're going to talk about our preliminary observations but we want to provoke discussion, elicit your reactions, and, as a result, we want to ask, "What really makes a program more viable? What works here?"

One of the big issues at the outset for some of the systems that were introducing these programs early on, like Boston and New York, was legality. What's the legal basis for this? This is obviously going to be challenged in a court. Is it going to hold up? What does this have to do with regard to the Fourth Amendment? That is a key issue. It has, by the way, held up in a federal court, but that doesn't end the argument. There are still going to be challenges to this in state courts and, probably future challenges in federal courts.

Some of the issues involve resources—how much does it cost to run these programs? How much manpower has to be deployed in this? There's only limited federal assistance, both in terms of the amount and the time. What happens if the federal money runs out? The reality we face is that I suspect—this is just a personal view, it's not a research result—that because of the country's financial difficulties, the DHS budget is going to be under enormous pressure over the next several years.

Perceptions of threat differ throughout the country. In New York, the perception of threat is very high. In Washington, it's high. You move west, and it is not so high. In California, there is a tendency to say, "Terrorism is that thing they deal with back there on the other coast. That's not our particular problem."

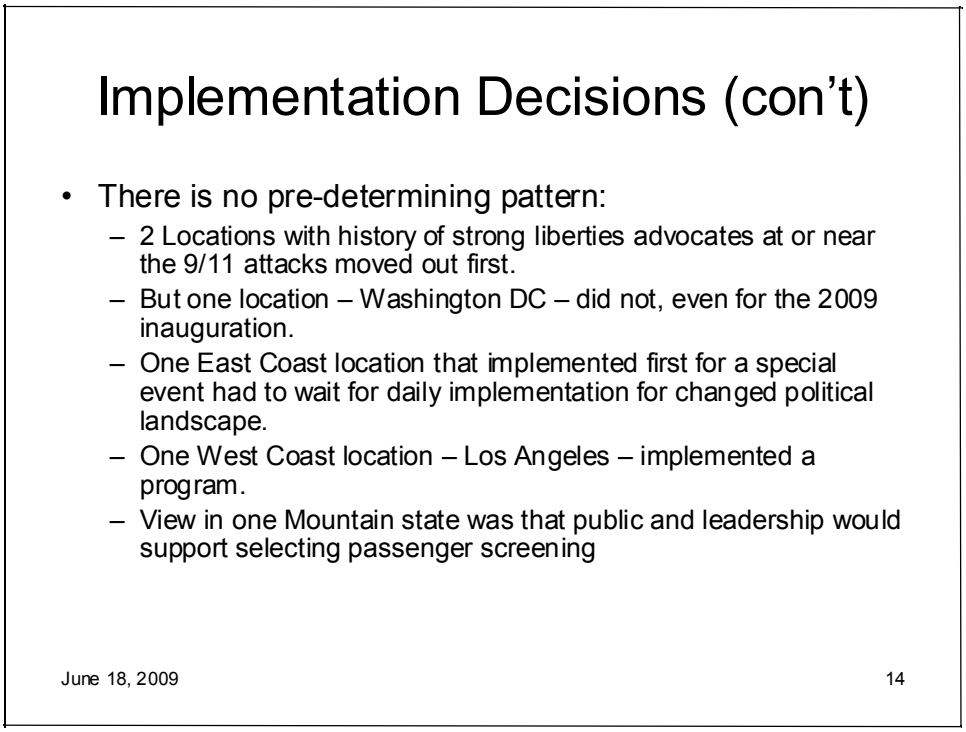
If you're a smaller operator you might say, "They're gonna attack those guys over there, not us. I'm Valley Transit Authority, and the big target in the neighborhood is BART, not me." In some cases, the physical layout doesn't lend itself to screening, or makes screening more difficult. If you have big open-air systems. It's harder to run inspection programs.



Public support varies greatly throughout the country. It varies from time to time. This is constantly, constantly shifting.

Community leaders and transit leadership are part of the equation In some cases, the boards that govern these systems are local politicians or are appointed by local politicians. These systems aren't free of politics and that becomes a huge factor. Support or opposition can come from different directions. You may have a board chairman or board members who have specific constituencies. Or you may have a particularly vigorous police commissioner who slams his fist down and wants something. You may have a supporting governor or mayor. You also have congressional involvement in this.

And then you have the events themselves. If you are talking about implementation in the immediate wake of the subway bombings in London, there is greater receptivity. As we get somewhat distant from those events, receptivity goes down.

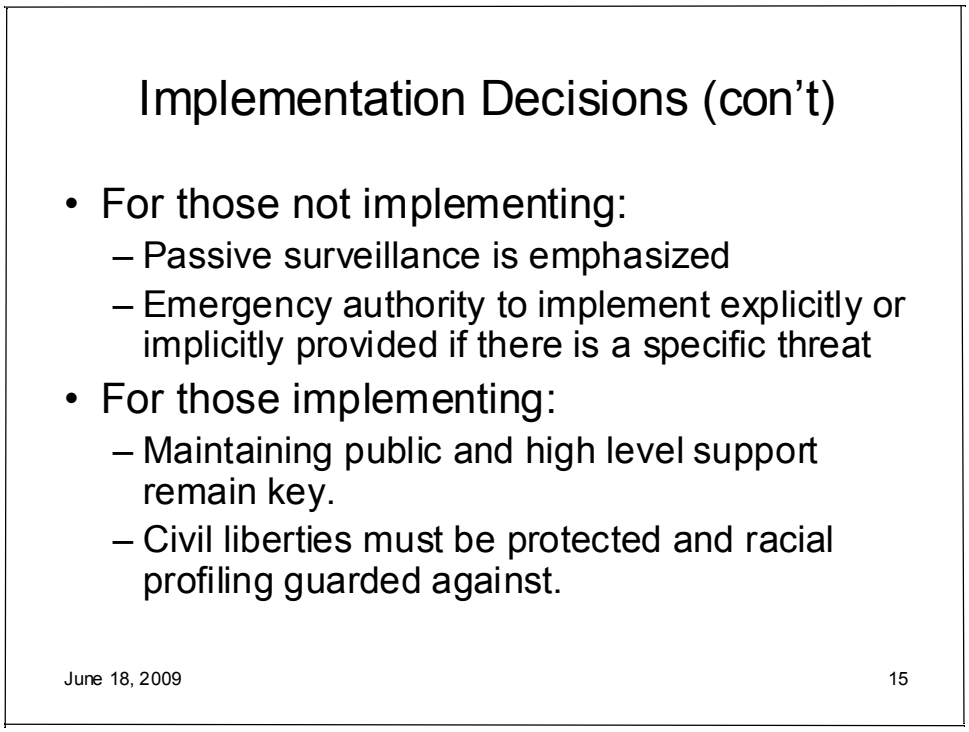


Now could we find any kind of pattern in this? We really couldn't. We've got a couple of locations with a history of very strong civil liberties advocates, and yet those were the systems that moved out first with screening.

The reason we have a panel here is our original agreement with all of the operators we spoke with is that no systems are identified in the report. We simply took the information and reconfigured it in terms of legal issues, inspection process issues, and so on. We weren't trying to do it by system. But we do have on the panel representatives from a variety of systems who have programs in place and they can provide a front-line perspective.

Those not implementing said, "We're going to emphasize passive surveillance." They may have emergency authority to implement, providing there is a specific threat. I'm going to be candid about this. Sometimes selective screening is is a bit of a dodge by the

board, which says to the chief, “We're not going to tell you to do this, but if you decide that there's a threat, and do it, okay; but it's on your head.



Now, for those implementing selective screening, maintaining that public and political support is a key factor, not just for political reasons, but for the general reasons that you do have to ensure that civil liberties are protected and racial profiling is guarded against.

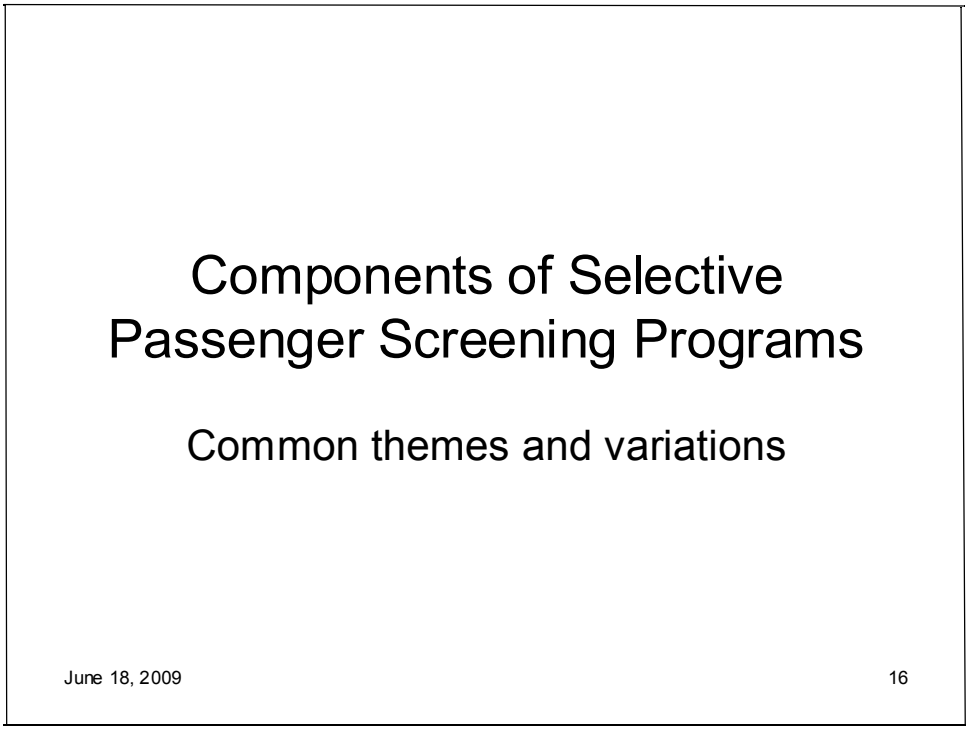
With that brief background, let me turn it over to Bruce, who will go into some more specific components of the program.

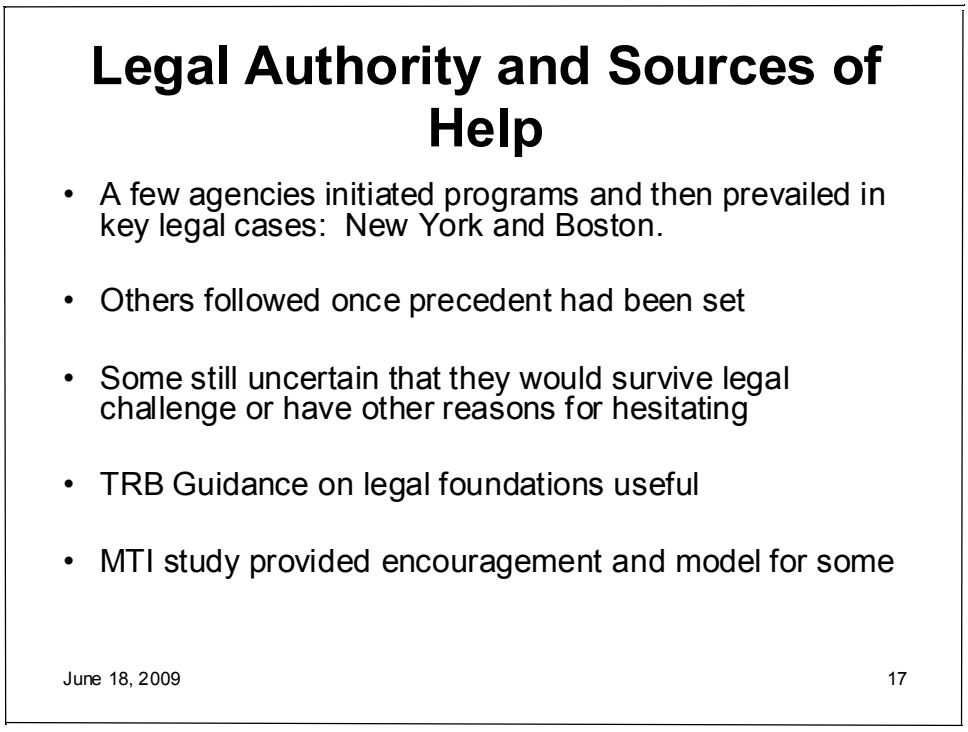
BRUCE BUTTERWORTH

Thanks, Brian. I'm going to try and go a bit into warp speed here as to time, because there are some challenges at the end that I think will provoke a lot of discussion. I do want to say here one thing. I want to thank the transit authorities that interviewed with us. I was watching some of the facial recognitions that you could tell where your quotations were buried, but not with your names.

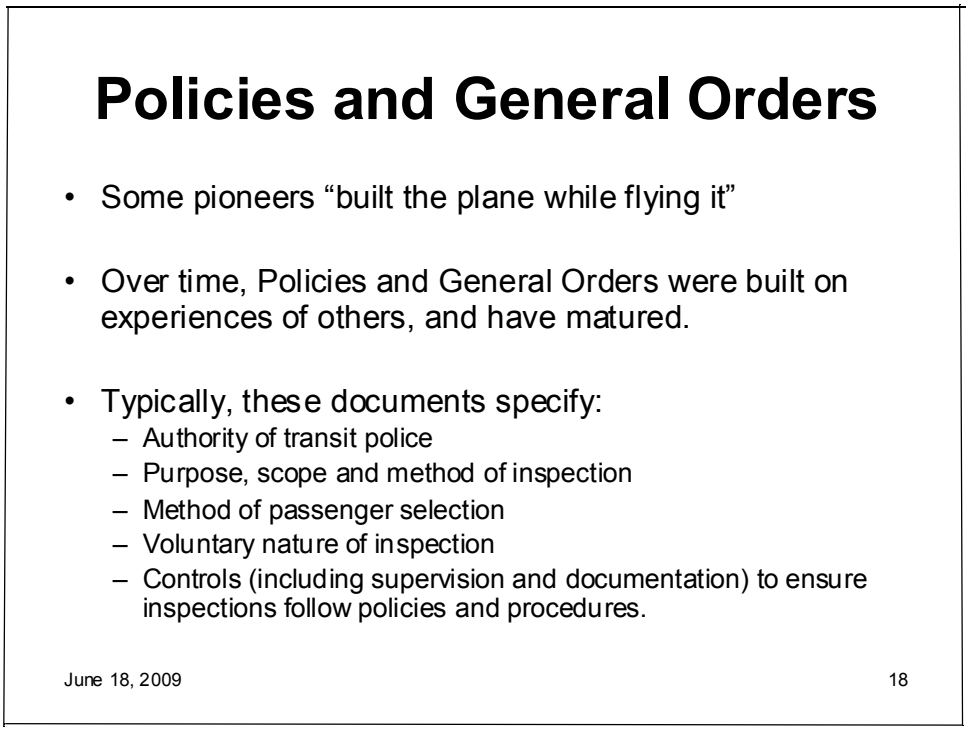
The cooperation has been really good. So this is a look at the various components, looking for what’s common, and where there’s a variation. The first thing is there's legal authority and sources of help. I think Brian has already said this. Some of these authorities moved up very fast. There’s been police commissioners that said something like, “Damn the torpedoes. I’m going to do it and we'll prevail.” And they did.

Others that were able to follow, the later ones all had good models to work with. Still others today that I interview still seem to be uncertain that they would survive a legal challenge. I’m not sure that’s actually accurate. That’s certainly their perception. I don’t know if it’s actually accurate, or they have other reasons for hesitating.





I want to throw in another thing. The TRB (Transportation Research Board) guidance on legal cases—I think it was Jocelyn Waite's 2005 report—was quoted very often and it's really helpful. "*The Case for Searches on Public Transportation*," TRB Legal Research Digest, No. 22, October, 2005. Our study also is quoted.



The first thing you've got to have is policies and general orders. Again, in the same way I was just describing, some of the authorities that we talked to literally built the airplane while flying it. One of them said that we got the materials, put the thing together on the weekend and made the policy up as we did it. Others later then had mature policies to build from.

I'm going to call out one that is particularly good. I think Boston will not mind me saying this, because their particular general order is very well written, very well organized, and has been providing good guidance for others. Typically, this is what these orders will lay out.

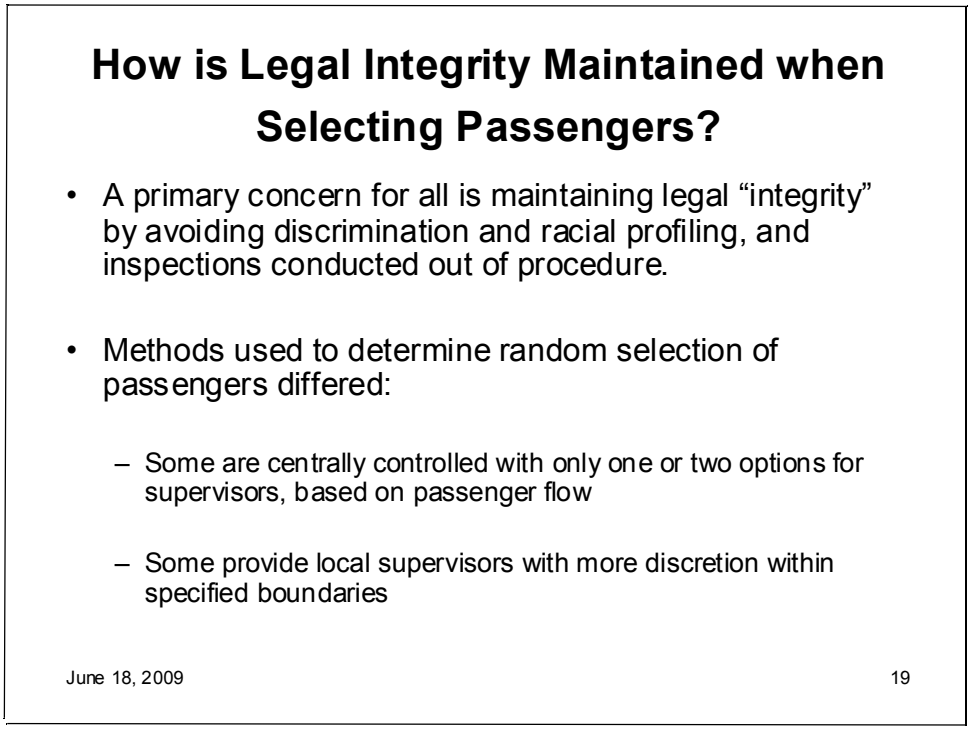
And, you know, the scope of the inspection is really important—what its purpose is, the authority of the officers, how the passengers are selected to make sure that it's not racial profiling and is sustainable in court, and the controls placed on it, and also the fact that it's voluntary.

Legal integrity was a term that came up quite often. By that, I think we mean that the transit authority is concerned that with whatever decision that was made, whether it's an attorney general, or the case, their inspection process stays within the bounds of that. So you want to make sure that they stay on literally the right side of the law. That ends up being mostly about how you select passengers.

Two variations here: some are centrally controlled. The chief chooses the particular number or set of numbers that the local supervisor implements; or there are others where the local officer that's supervising the inspection point has the ability to change.

Here are the different ways that passengers are counted: Passengers with any bag, passengers with airline-type bags, the sequence differed. In some cases, it was every seventh, every eighth, and every tenth, regardless of who was being inspected. In some,

the count was restarted when a passenger was inspected; others, the count continued. So it was continuous in ones that were interrupted. Agencies allowed officers' discretion, when there was probable cause or suspicious behavior, to do questions and arrests. They all also allowed, in one form or another, the local supervisor to alter the inspection sequence for line management. For those transit agencies that haven't done this, I think this is one of the things that needs to be understood, that there's flexibility to make sure that the line doesn't gum up and actually create a target in and of itself. I saw that demonstrated in several places we've looked at.



All of the agencies had a manual count but one—I was going to cite that later as a best practice—which uses a computer-generated random count. I'm going to make this example up. It's the second, it's the fourth, it's the eleventh, the thirteenth, the eighteenth, the nineteenth, the thirtieth passenger, and that sequence changes each day, so it becomes impossible to predict from one day to another.

The screening is voluntary, but once it starts, once that officer grabs the bag, we found it common that it has to be continued. You can't back out. You can back out before, and there are signs that allow you to do it. If you haven't paid your fare, you can back out before. But once it starts, it's got to be finished. That's the standard that we saw.

Signage is really important. For one, it designated how far the signs are, how many have to be there. I think there was a court order or an AG decision that said, "It's got to be X type. It's got to be a certain distance." I'm going to point out when there was a good best practice. Everyone has a web site, so Amtrak has a very good video on their boarding system that tells the passengers what's going to be happening. You can go and see that any time you want.

If there is a refusal to go through screening, and Brian and I both saw this, the consequences differ. In a large station, the passenger can leave, but can board the train in another place, so you wonder what's the value in that. We're going to get into that

later. Smaller stations, the transit authorities say you have to leave the station entirely. You'll have to go somewhere else. The last one, you can figure out what transit agency this is because it's an actual ticket. You know, you can't board the train. You get a refund, but you can board another one.

Legal Integrity (con't)

- All use a count of passengers, but count differs. Variations include:
  - All passengers
  - All passengers with any bag
  - All passenger with airline-type carry-on bags.
- Sequence differs. Variations include:
  - A continuous count
  - A count that restarts with each inspection
- All allowed officers discretion to:
  - Question passengers displaying suspicious behavior
  - Make arrest upon reasonable suspicion or exigent circumstances
  - Reduce frequency for line management.
- All but one used a manual count (one in every X passengers); one used a random count generated by computer each day.

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Voluntary Screening and the Consequences of Refusal

- All agency programs make baggage inspection voluntary. But once inspection starts, it must be completed.
- All agencies have signage. For at least one, signage is a particularly important part of the program, often posted a designated number of feet away.
- Agencies also post policies on their websites (AMTRAK runs a video in the boarding area).
- Consequence of refusals differs:
  - Passenger must leave but can board elsewhere in station
  - Passenger must leave the station
  - Passenger cannot board the train but can get a refund and re-board another train
- Passengers who are ordered to leave transit property and refuse can be arrested.

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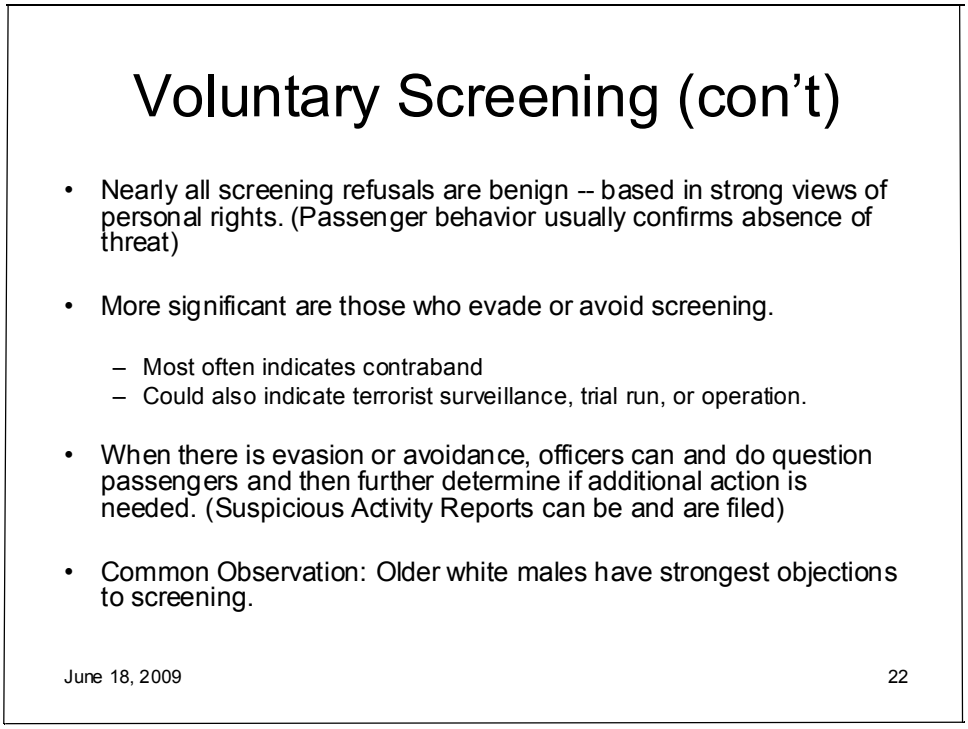
Passengers that refuse can go out on their own, but if they refuse to leave, and they're ordered to leave, they can be questioned and possibly arrested if they resist.



Almost all of the refusals are benign. They were people that have strong views about personal liberties. They don't want their bags searched. The officer knows it. It's really clear. It's not a security issue. You know, they're handled well. They're turned around and say, "Well, then, fine. You can go, but you have to leave the station." It's done very well.

Far more significant are the people evading or avoiding screening, and that most often means contraband. One of the agencies I was at said, "When they run, they've got drugs, you know? Or they've got an illegal weapon." Or it could be terrorist surveillance.

Where there is evasion or avoidance, the officers who are trained properly in behavioral observation can and do question the passengers to determine if additional action is needed. Very often, there's no action needed, but they'll file a report, which will go into the local system, and we'll talk about that later also.

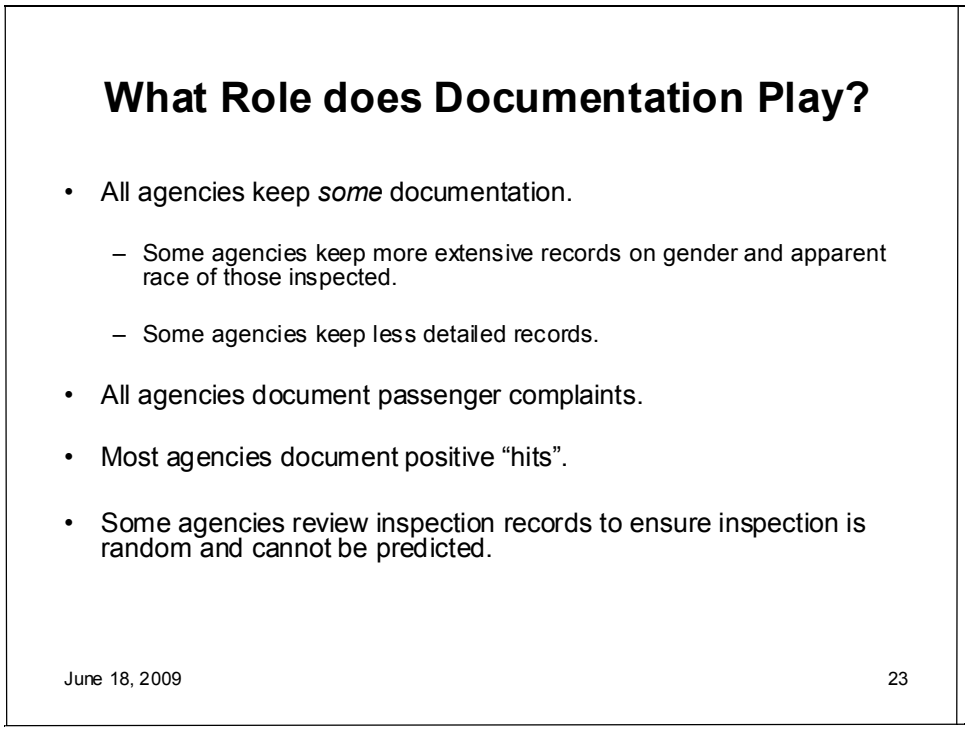
Every single transit agency we talked to said the people that object the most to screening are people that are older white males, because I think they say if you were alive at Woodstock, and you can remember the '60s, then you object. "Security is someone else's problem, you know? It's not me you should be looking at. You should be looking at that dark guy over there."

Let's turn to ocumentation and the range of documentation kept. Everyone takes, keeps documentation; some people audit.

Let's go to intelligence and information.

Now this is a sensitive issue because everyone's trying hard to do intelligence-sharing and information-sharing, and it never can get exactly right, but this is, in general, what we heard, When you detail a transit officer to the JTTF (Joint Terrorism Task Force), or the

local fusion or diffusion center, you get good results. When you create a trusted relationship with a state or federal agency, you get good results and high praises.



Paul Lennon, Mass Transit Division, got a lot of good kudos for the kinds of liaison they're performing with the transit agencies, both TSA and FTA. Tony Tisdale and also Sonya Carter were repeatedly mentioned as people that are from the transit agencies, know how transit works, and know how to work with the agencies. In my personal experience with FA security, if we hired people from inside the industry, they were tougher on the industry than we were, because they knew what was going on. They also knew how to help.

The issues that were expressed, and this is just classic, is when the IC (intelligence community) produces something, it wasn't particularly timely. This was a classic quote: "The gentleman is here." It's that "CNN tells us more." This is something I've seen in information sharing, there is an overload phase, we're in right now. We're getting duplicative reporting, getting flooded by email, and there's no siphon that says what's real or not. So you tune it out, and that's what we found from DHS, TSA, and some of the supported activities. I know that's being worked on now and it's a difficult problem.

Standard inspection team: I'll point out the fact that usually there's a K-9 team in the area, and there's plain-clothes officers watching.

Professionalism is important—it's strongly mentioned. You know, being customer-friendly and professional goes together. They do that with training and supervision. The ones we saw really showed a high familiarity with the environment, and they have a sixth sense about what's there and what's out of order, you know? The crazy guy that's living in the station? You know him, right? He's not a threat. He might even tell you some information that you need to know. A new person would look at the guy and say, "He's got a huge, baggy coat. We need to search him." But if you know the guy that's been there for a long time knows, "No. That's just Joe." We saw a lot of that.

Intelligence and Information

- Opinions varied, but generally:
- Highest value given to
  - Transit officers located at JTTFs and Fusion Centers
  - Trusted relationships established with other State and local police and sometimes with federal agencies
  - Personal interaction with TSA's Mass Transit Division leadership and individual government staff from TSA and FTA, who received high praise.
- Issues expressed with
  - Timeliness of information from the Intelligence Community
  - Controls on information: "CNN tells us more."
  - Overload: Volume of sometimes duplicative information

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Inspection team composition

- While there are variations, the typical inspection consists of:
  - One supervisor
  - One selecting officer
  - Two inspecting officers
  - At least one canine team in the area
  - Plainclothes officers in the area observing passengers

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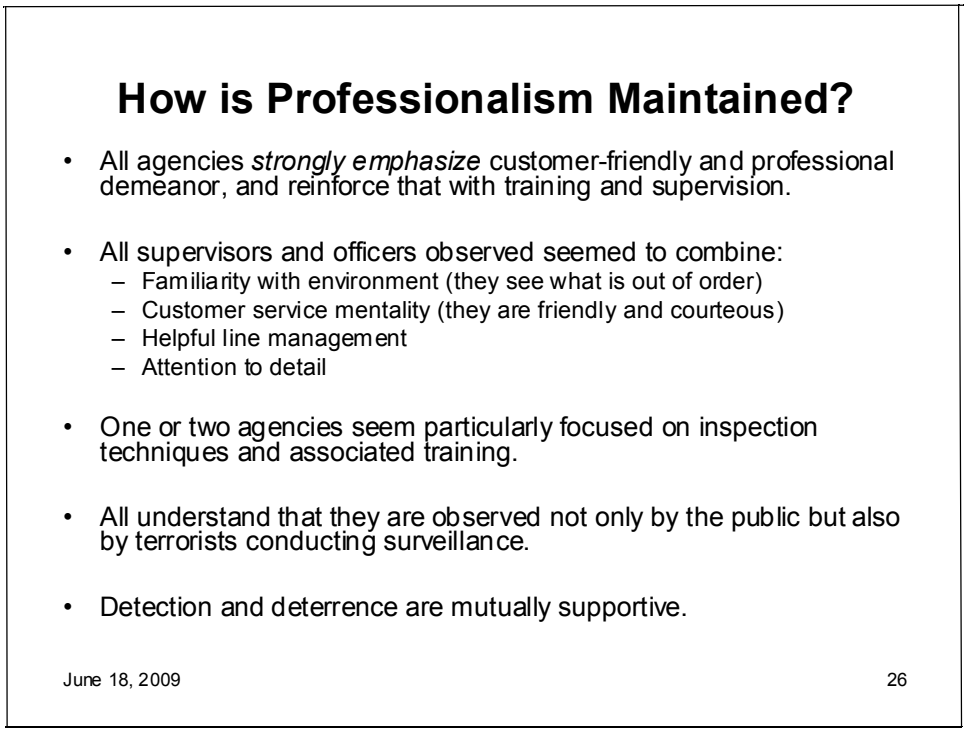
There is a service mentality. You talk to people; you get to know them. It's a good thing. They help the line. Attention to detail in the inspection.

A couple of the agencies did very good on the actual inspection and associated training. I used to do watch inspections at airports, and one of the agencies did what I would call a

model ETD (Explosive Trace Detection) inside and outside bag search that would have worked really well, and probably better than most TSA screeners.



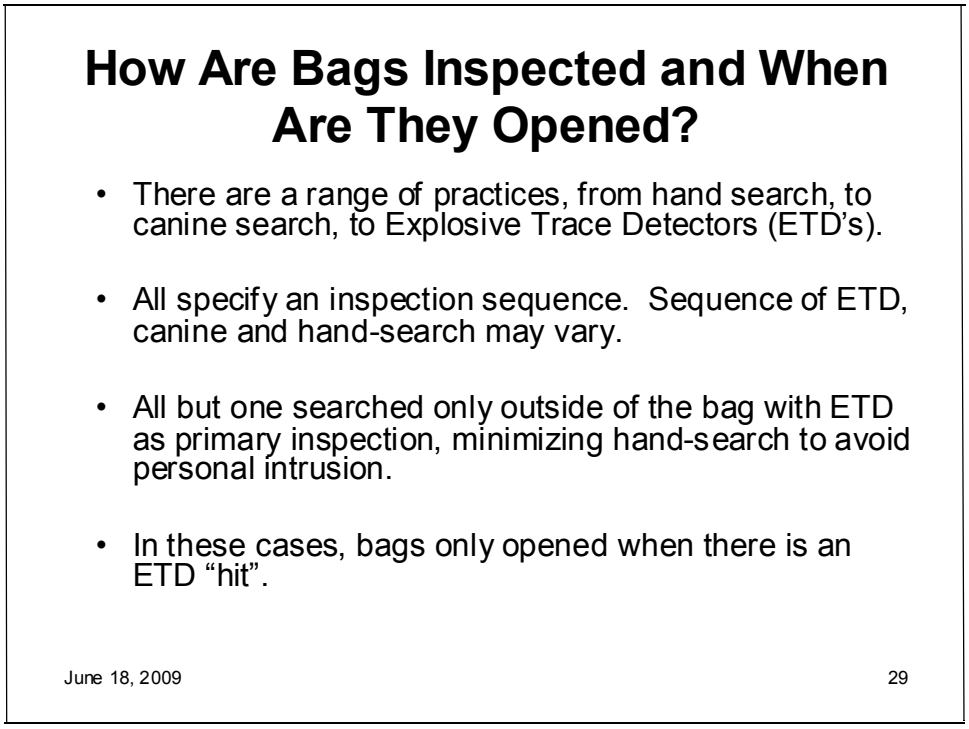
Also, they all understand that they're being observed. This is a stage; this is a show. I don't mean a show in a bad sense of the word.The public is watching us and it gives them confidence; but the other guys are watching.

It's a mistake to say that this is just deterrence, we just go through the motion. Professional watchers look and they know the difference, and someone who knows what they're searching and how to look for it. They're going to look at that.

The 9/11 hijackers scoped out the aviation system. They knew what the weaknesses were. So you can't just say, "Deterrence. Let's just put a bunch of dogs out there," because we actually have to really have the people trained and know what they're doing.

What's searched? Not passengers—it's bags. Size counts. The size of the bag could be small. I think these are some of the reasons. For others, it may actually call out only passengers with the larger, carry-on bags, but it's more fitting for the threats and destruction we've seen in Madrid and London, which is closer to 15 to 20 pound bags.

Interestingly, one of the agencies that focused on airline bags maintained the integrity of the count by handing out a card to someone that didn't have a bag, saying, "Had you had a bag, you would have been inspected." That's an interesting kind of compromise. I maintain the count if I only inspect people with bags, it's a good compromise.



DAVE SCHLESINGER

Just to ask a quick question. I'm just real curious about the comment that "we only search bags." Is that something that's been prevalent across all agencies?

BRUCE BUTTERWORTH

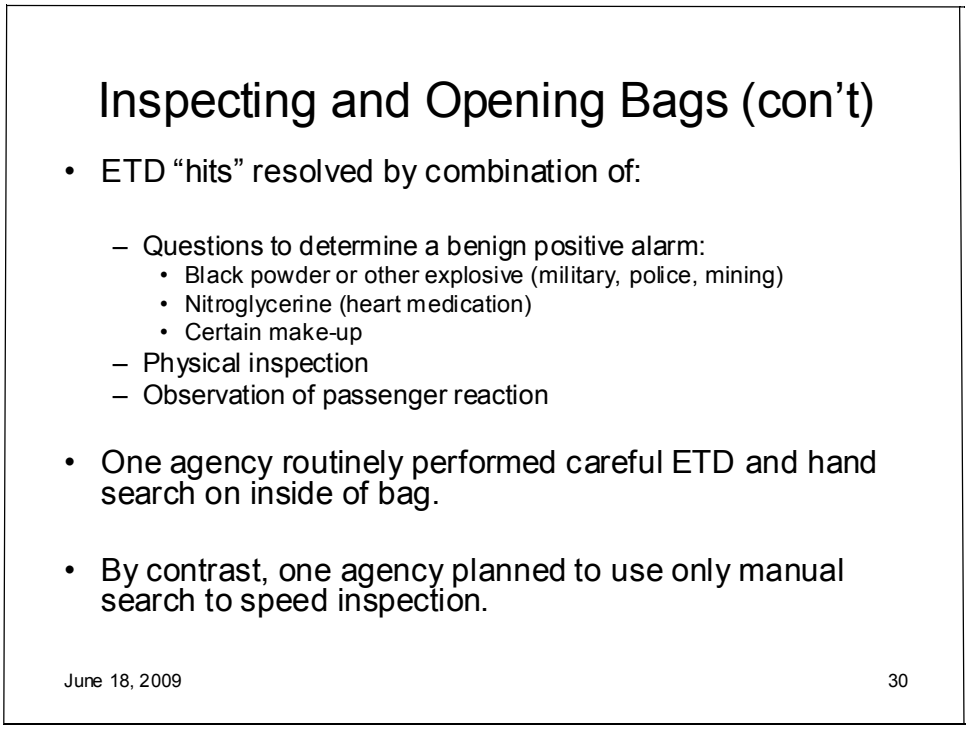
That we talk to, yes. This is a sensitive area.

What are they inspected for? It's a narrow focus on the things that terrorists could use. In general orders, they say the bags can be opened and manipulated. Some look for any size of explosives. Some look for a larger amount. We're going to talk about that as an issue later. It's a limited search. You know, reading material. He's not supposed to read it. And although the searches are specifically are not designed to detect contraband, if it's detected incidental to the search, it can, and has, led to an arrest, and those arrests have been sustained in court, at least in one jurisdiction I talked to. So if you find drugs incidental, or you find something else, you can take action. But the focus of the inspection is not on drugs.

How are the bags opened? Here are the range of practices, with different sequences. All but one searched only outside of the bag with a trace detector as the primary inspection team. Minimizes the hand search, the intrusion.

In those cases, the bags were opened where there was a hit. Now it's important to know what a "hit" is—we're not talking about gun hits, but ETD hits. You can have a various set of alarms from different reasons. I'm going to get to that later. These are the kinds of things we found, and it's really a combination of three things—questions to the

passenger: Do you have heart medication? Have you been working on a range? Are you a police officer? Military officer? In the mining industry? Black powder. Do you have black powder or C4 or TNT on you? That would set the alert off. Then, physical inspection of the bag. And finally, watching the reaction of the passenger.



If the passenger is sitting there saying, "Fine. Go ahead." Then the officer knows. You can see it. They know right away there's no issue here. If the passenger starts to get nervous, you've got a problem, a different reaction.

I think I mentioned the agency that did both inside and outside of the bag. By interesting contrast, one of the agencies planned to use only manual search in order to reduce the time. So that gives you an interesting contrast. Technology traces what's used. There are times when older units are not so good; newer units, better. The reaction of the passenger is positive, curious, or, as Brian would imitate, bored or whatever.

The trace units can be set to detect drugs, but actually, they are set for explosives, which is appropriate for the scope of the search.

JOHN MCPARTLAND

Can you back that up one, please?

"The passenger reaction seems positive or curious or bored?"

BRUCE BUTTERWORTH

Yeah. People that have been through it before or in airlines know boredom, or know that this is a normal thing. So their reaction could be curious: "They've got this technology.

They're swabbing it. What is that thing?" Or positive: "I like this. You're screening. You're not opening my bag."

What Technology is Used?

- ETD only technology routinely utilized
- Time involved is only 10 to 15 seconds
- Older units are larger and less mobile; newer models lighter, more mobile
- Passenger reaction seems positive, or curious, or bored
- Some units can detect drugs and explosives; but settings always on explosives

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Technology used (con't)

- ETD's can give "true" or "false" positives that are almost always benign
  - "true" when they detect explosives or elements of explosives used legitimately;
  - "false" when they detect chemical compound related to explosives.
- As detection technology eliminates known "false" positives, manufacturing may create new ones
- One model at one inspection point that was observed gave false positives if sample became saturated.
- But on rare occasions – both in and outside of screening – hits have detected persons of interest.

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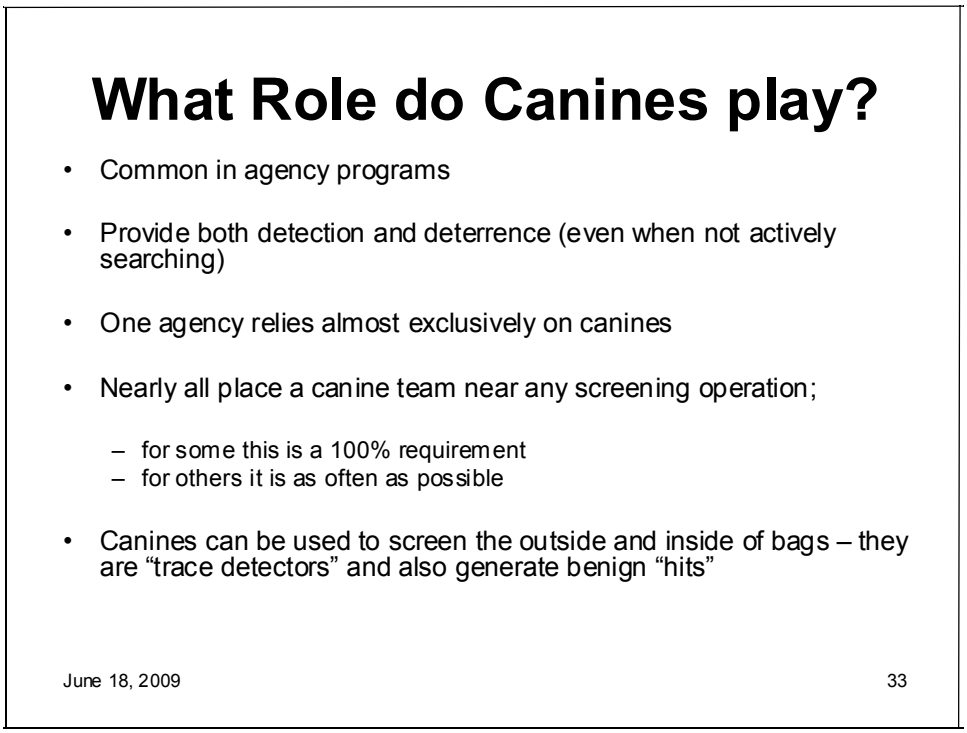
There are true positives that are benign. The ones I was talking about before is what I call those. This is the military/police officer one. There are probably others. There are false positives or other positives that, when they detect chemical compounds related to

explosives. There's kind of a race here as technology detection eliminates some of the known false positives, for example, those coming from makeup or Magic Markers. As the detection technology eliminates those false positives, manufacturing processed are going to keep bringing more of them, so there's always going to be a need to take a hit and ask, "What have I got here?" Not jump to the conclusion that you've got a problem. Pass that information around the transit community, too.

It's also important to avoid saturation of the samples in quality control. I saw that at one point. You've got to watch that one, because that can give you hits all the time, and really, the machine isn't operating properly. On rare occasions—this is the jewel in the crown, this is what this is all about—both inside and outside screen, hits have detected persons of interest as defined by the GATO (Global Air Traffic Operations). We did confirm that.



Doggies. They're common, and they do both detection and deterrence. One agency almost completely relies on them. Almost all of them place a K-9 team near the screen operation, which is important. They also are trace detectors. They can be used to screen the outside or the inside of the bag. They also can generate benign hits, though, for false positives, like Magic Markers.

There is a special dog program that TSA started, but I'm not sure has been actively pushing, and that's that at Auburn University. They've been training dogs to detect explosive amounts present in the vapor wakes left by multiple people. Our understanding is that when these were trialed and tested, they performed very well in blind testing, not double-blind testing. There is a film we could show you, they're positioned as people go past, multiple people combined. They appear to be very well trained, and, with good quality control, they can detect very, very faint amounts of explosives. Passenger reaction is very positive. Reaction by terrorists, we think, is they have a high respect for dogs. Whether it's valid or not, we know that they do.

By the way, dogs can not work and not tell you, but dogs can really work, and it all depends on the quality control and the handling. The key thing here is that these dogs can detect, can essentially screen, more than one person at a time. That's the beauty of it.

Vapor-Wake Detection Canine Teams

- Canines have also recently been trained by Auburn University to detect explosives in the vapor wakes left by people as an additional duty.
  - Positioned as people go past, canines sniff vapor wakes to determine presence of explosives.
  - Appear to be a formidable deterrent
  - Appear to be an effective way of passively screening multiple passengers, not just those going through inspection
  - Reaction by most passengers is positive; reaction by those hiding something probably different

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Are Passengers Screened?

- While passengers are not searched unless there is probable cause, passengers ARE in fact passively screened in two ways
  - Officers trained in behavior observation, including uniformed and plainclothes, observe all passengers entering screening.
  - One agency used communication between highly trained plainclothes officers in the boarding areas with those conducting the screening process.
  - In some agencies, canines trained for vapor wake detection are deployed (two agencies have canines trained by Auburn)
- All agencies train their uniformed and plainclothes officers in different types of behavioral observation training. Some take a particularly aggressive approach.

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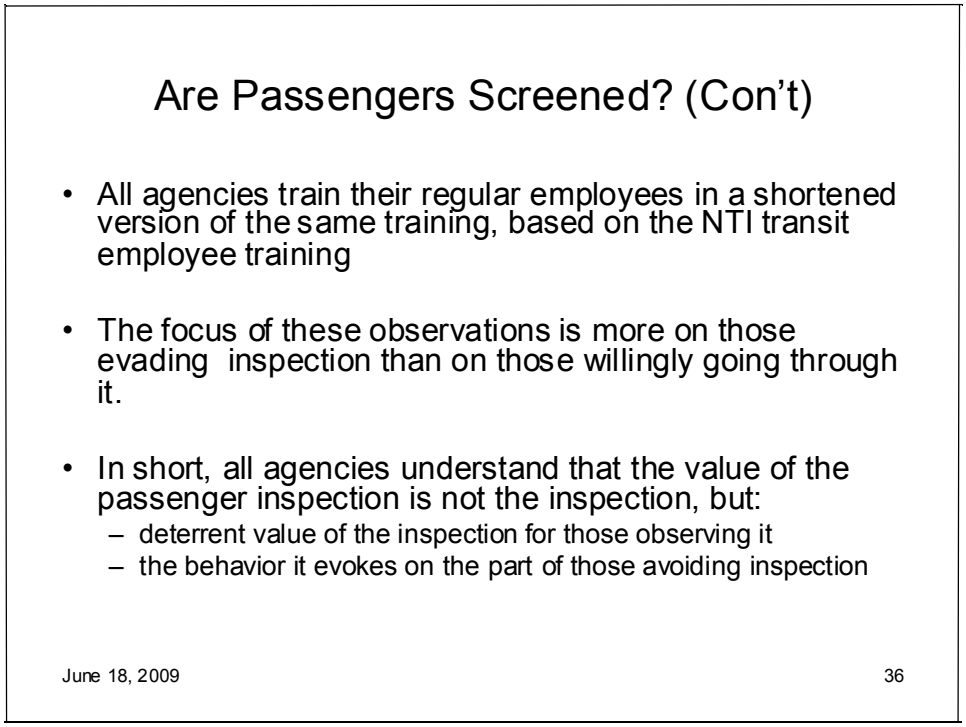

Are passengers screened? Well, they're searched, but they are screened in two ways. I think this is the key part of this whole program. It's not the inspection. It's the opportunity to observe behavior, particularly those "gaming" during inspection. If the officer is trained in behavioral observation, it's very good. Observe all the passengers. In one agency, they had plain-clothes people at the boarding areas using sophisticated communications that indicate to the screening supervisor, "I've got somebody I want you to particularly look at." In three agencies, you had K-9s in a vertical wave detection. If you put the behavioral observation together, and you put the K-9s together, and you really work them as a team, you're essentially looking at every person coming through, whether they're being inspected or not. You're looking particularly at the people that should give you the most interest-those that are trying to evade the inspection.

JOHN MCPARTLAND

Are there standard courses in that?

BRUCE BUTTERWORTH

Yes. They're called BASS/PATRIOT Terrorist Awareness Recognition and Reaction. Patriot's the latest version, but they're always being improved, and NTI, National Transit Institute, has some excellent, excellent stuff for transit employees. Highly recommended, both their modules and their films. I've looked at their training film. It's really good.

Here's the training. Any one of the people here can give you information on where to go.

Again, the focus of the observation is on those evading, not those going through it, and that third point is what I'm trying to say. That's the value. It's not the inspection. The

inspection is almost a prompting event. It prompts behavior and it's the behavior you're watching. That's the value of the program.

That's not going to be understood by civil liberties advocates. It's not going to be understood by the public; and my suggestion is that we don't try and explain it. They're going to start asking questions like, "Are you trailing the people once they leave?" But I think, for the transit community, considering this, they need to understand that it's not catching people with bombs in the bags. It's watching people evade and watching the inspection process that gives the value to it.

UNNAMED PARTICIPANT

I wanted to ask you a question about the behavior. You said that you prompt people to be stopped, and you look at their behavior, if they get nervous, they are very likely to be watched, but do you have any data to indicate the Al Qaida-like terrorist who probably has religious fervor and doesn't care about dying, would he also act in a nervous way?

BRUCE BUTTERWORTH

Yeah. The BASS/PATROIT programs are based on lots of detailed studies of what even a trained terrorist will still show.

BRIAN JENKINS

In 1999, an Al Qaida-linked terrorist coming from Canada, tried to cross the Canadian border on his way to the Los Angeles Airport. He was stopped by a customs agent on the border. There were a number of things going on through the custom agent's head—number one, why is he taking this peculiar route to get to his location, because it's not the usual route. That's a little bit unusual. So this experienced customs agent asks him a couple of questions, just the interaction tells the agent there's something not quite right about this individual. The route's not right. The answer isn't quite right, and so she simply says, "Would you step out of the car, sir?", at which point he bolts out of the car. He's tackled. They open the trunk of the car. It's loaded with explosives. This man is now doing 35 years. The plan was to bring a bomb to Los Angeles.

There are ample examples even of terrorists arousing suspicion in the course of their mission. Here's a concrete example, and it's been public: Mohammed Atta, the leader of the 9/11 hijacking team. The fellow who checked him in at the airport worked on the airport counter for 26 years and his perception was, "There's something wrong here. This is absolutely wrong." Unfortunately he didn't do anything more with that information.

BRUCE BUTTERWORTH

The other thing is that the training teaches you to look for physical behaviors that are very difficult for people to control. You know, the pulsing of the neck, the redness of the neck, is something that is very hard for people to actually really pretend to be normal when they're about to blow themselves up. It's not a natural act. I suppose it can be done, but it's not. When you're actually being watched by trained people, they have a

good chance, especially if they've been in that station for years and years and years, and they know what's normal.

RON MASCIANA

It's a good question, but it's not a new question. And we have to go back to how law enforcement deals with a crime, and interaction with those who we feel may have committed a crime. You're going to see physiological effects on somebody that you stop for a burglary or a robbery, and all we're adding, even BASS, those elements of instinct that we see and experience, and put it in context to the terrorist world.

The question here is that we've set up screening outside. Because of the tendency of people to get really upset with their civil liberties, that since we do the screening of everybody going into the board meetings now, if somebody decides that they really want to see how much junk they can stir up, all they've got to do is say that: a) I'm being profiled, and b) I'm this, that, and everything else. Are there any of these agencies that are doing periodic or random screening? Do they have it set up so that they have surveillance cameras in order to protect both the rights of the public as well as the rights of the agency, in the event that some person turns it into a political issue?

BRUCE BUTTERWORTH

I tell you what. There are going to be people here, I know, who have those systems. It's both cameras and documentation stuff.

BRIAN JENKINS

We are going to deal with that in the panel. A short answer, you should use of cameras in conjunction with screening, and particularly where you are expecting confrontation, that is, expecting someone to create an incident, cameras aren't a bad idea.

BRUCE BUTTERWORTH

I'm going to try and get through this, so I can turn this back over to Brian. The questions have been really good, though. Thank you.

Picture-taking: We have a range that goes all the way from one agency which, upon learning its inspections were on YouTube, reached out to the guy and say, "Let's help make sure you understand what you've got." Perfectly legitimate. Others had an absolute policy, no pictures of any screening taken that's on transit property. Absolutely none. One system we talked to said even passengers taking pictures of trains is not allowed.

Though now they all do allow officers to go up and question people that are taking pictures to make sure that the motives are benign.

Deterrence is important. These are the ways in which it's maximized. I thought this was very good. You've got major stations, but you've got small stations. You've got peak hours, and off-peak hours. Passenger selection can be varied through the system or by inspection posts. I haven't mentioned before, and Brian is going to mention later, at least in one system, the inspection supervisor is allowed to say, "All right. In addition to once

every seven, I'm going to choose every seventh person carrying a bag over their right shoulder." I mean that becomes very difficult to predict if you're watching.

How is Public Information Controlled?

- All agencies post some information on their websites.
- Some undertook an aggressive and continuing media campaign.
- Others knew media would come to them.
- All have assigned personnel to answer questions and prepared Q's and A's.

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Different Responses to Picture-Taking

- There are marked differences in the response to a passenger taking pictures of inspection operations or even any part of transit property.
  - One agency, upon learning that its inspections were on U-Tube, assisted the person to increase public knowledge that inspections were taking place.
  - Others had an absolute policy of no pictures being taken of any screening operation, with eviction from property and possible arrest being the consequence.
  - Some *even had* a policy of no pictures taken anywhere in the system, even by passengers, and even of normal train activity.
  - Most had a policy of allowing police officers to question those taking pictures to ensure that their intentions were benign.

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They all have public information. The "see-something/say-something" programs that are common are very good.

Then you've got community policing. It's quite impressive. They have heavily armed guys with dogs go through trains and stations. People say, "Why? This is really serious. Long guns, etc." And also the K-9s, even when they're not visibly searching, no one really knows that they're not. They can just be wandering around, taking a rest, but people think that they're searching. So it's an added benefit there.

There were some creative practices. Computer-generated sequence each day I thought was a really good one.

Community policing is brilliant, for all these guys around the panel will tell you, in many ways, it's just an extension of good, solid community policing in the station, where you're interacting with passengers and the vendors, even to the homeless where it's legal for them to stay. I just mentioned New York.There's a large vagrant population. They get to know them. They watch. They'll tell them when there's crime. They're additional eyes.

Outside the station, one was particularly great, going to all the businesses at some of the transit entrances, and saying, "Look. This is our program. Here it is in your language. If you see a crime, if you see something that's odd or off, tell us." And all of this encourages information, deterrents, and support for the program. To me, I think the most important thing is it increases the chance that police officers know when something is in place and out of place, which is both a rational and a matter of emotional intelligence.

I'm going to skip quality control. All I'll say is that only one system used Red Team Testing. We had a range from agencies that had very detailed contingency plans for doing more intensive screening at different threat levels to ones that had very little.

As for the benefits for the transit agencies—they've received an increase in deterrence. They've received an increase in public confidence and assurance. The reaction from the public toward the people and agencies that put this in place, I think they will tell you is overwhelmingly positive, or it's certainly acceptable. Once you get past the original, you know, "What is this?" it's either a ho-hum or it's a good thing.

I want to leave with this, because this is so important. Two agencies detailed cases where suspicious persons and operations had been detected and confirmed.

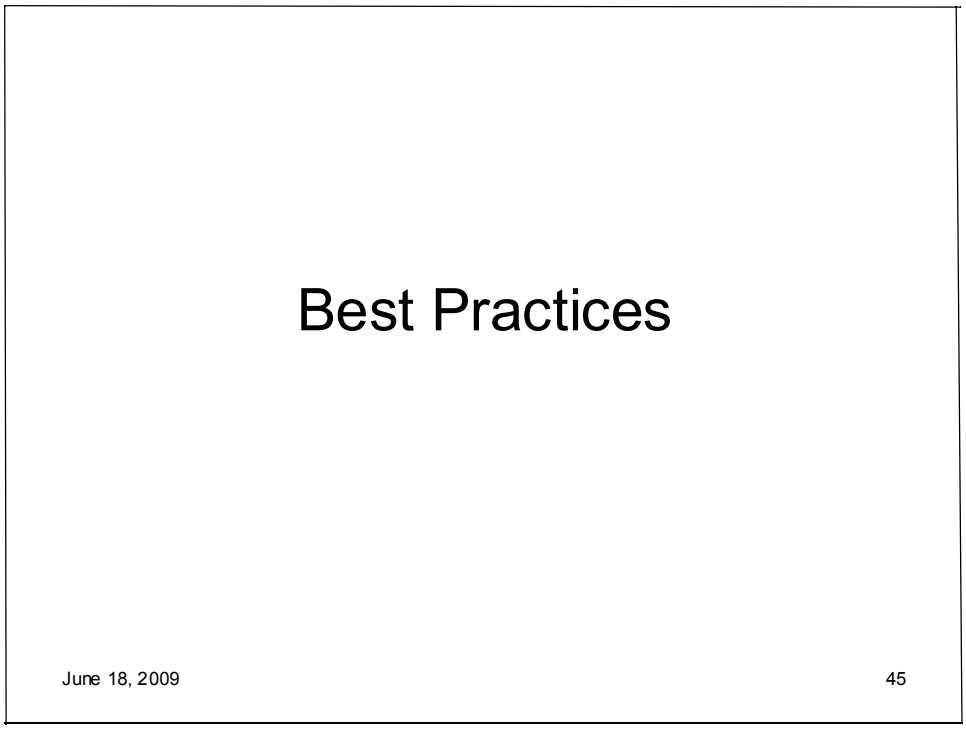
And that leads me to the final thought—you know the old bear joke, right? There's two guys that are running from a grizzly bear. One turns to the other and says, "Why should we run? A grizzly bear can run 35 miles an hour. We can only run 15." And the guy says, "I'm not trying to outrun the grizzly bear. I'm trying to outrun you."

Back to Brian.

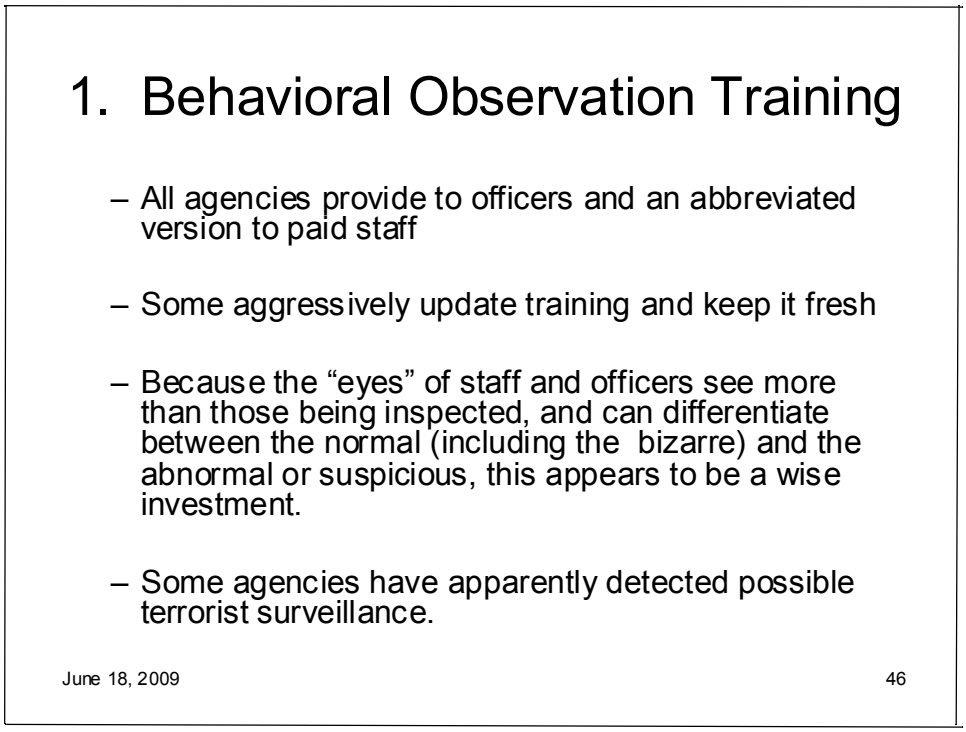
BRIAN JENKINS

Let me just underscore a couple of things here, and then we'll take a quick break before the panelists convene. Behavioral observation training is an area on the move. It is improving. We don't have an X-ray for a man's soul, nor do we have individuals that can be so well trained that they can look at an individual and know what's inside their heads. However, we are learning that there are some basic indicators that may provide an

additional set of clues. That's about as good as it gets in that area. That training is very valuable.



We keep mentioning training here. One of the presentations on the panel deals with training. It is an important ingredient of these programs.



Underscoring another point that Bruce made, while our focus is on the inspection, on the selective screening, this is not a standalone measure. Screening is one component of an

array of measures, including use of TV cameras, physical patrols and other measures. Bruce mentioned a very interesting one, where one of the agencies went to the local businesses around the entrances and enlisted them in information gathering. That was an interesting way of expanding screening security efforts.

2. Community Policing Inside *and* Outside

- **All agencies encourage officers and staff to interact with passengers during inspections and at other times.**
- **This increases information and improves officer and staff "gut" sense of what is normal and what is out of place – which is invaluable.**
- **But one agency went further and:**
  - **Went to all businesses (and local police) near each transit stop**
  - **Reached out to different ethnic communities in different languages**
  - **Explained the program and asked to be kept informed of suspicious activity – criminal or otherwise**
  - **Left flyers**
  - **Regularly re-freshed contacts**
- **Results:**
  - **Increases information flow and extends "eyes and ears"**
  - **Extends deterrence**
  - **Increases public support in key communities (including Islamic community**

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3. Unpredictability: Keep 'em Guessing

- **All agencies choose stations and times for inspection randomly. But…**
  - **One agency utilized computer-generated, daily-altered random number for passenger selection.**
  - **One agency allowed inspection supervisor to select passengers based on carefully chosen other factors difficult to predict that stay clear of ethnic profiling.**
  - **One agency searched cars and areas around stations based on color of vehicle or number on license plates.**
  - **One agency picked stations based on tips and left luggage, or based on some physical configuration (e.g., position of stairs).**
- **The selection methods that are *impossible* to predict by analysis or observation are a best practice.**
- **Racial profiling IS a predictable selection method, and should be avoided not only for legal and ethical reasons, but for security reasons as well.**

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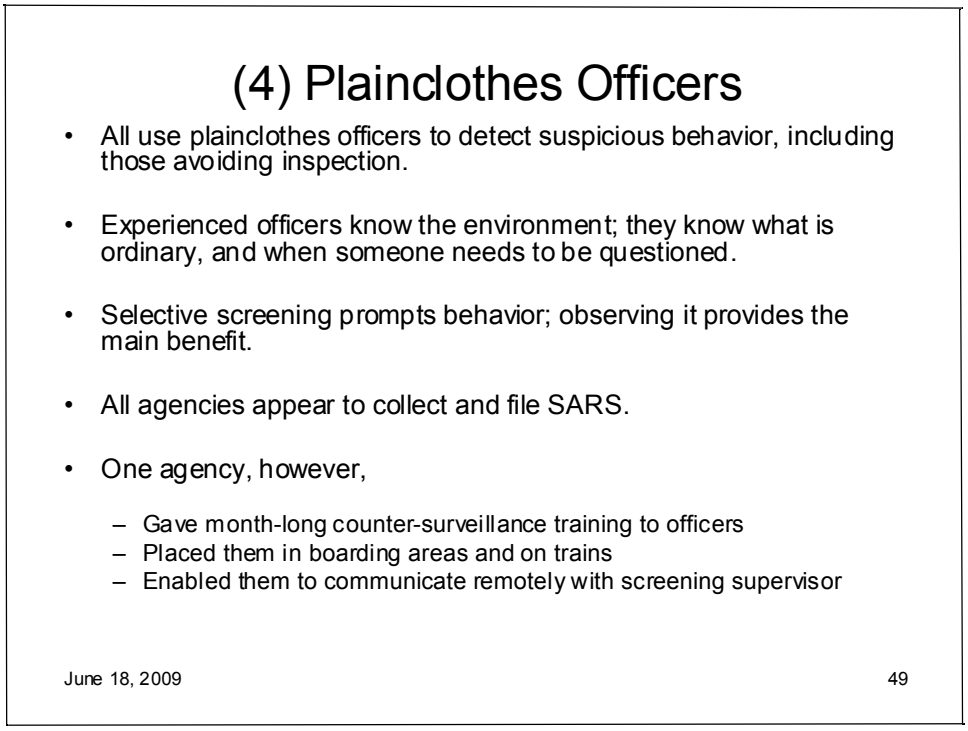
In my view, and we can talk about this more during the panel presentations, there are three reasons for randomness. One is it ought not to be predictable to the bad guys. Having said that, I don't really see terrorists who would make a serious investment in constructing a bomb coming up to an inspection point and saying, "I think I'm not the seventh guy. I'm going to try to go through." I think their reaction is going to be, "Here's an inspection point. I don't know what the hell the count is. I'm going somewhere else." And that's really the reaction you want. So, yes, it should be unpredictable, but I don't see terrorists trying to beat the numbers. This is not roulette.

The second reason for the randomness is for the protection—the legitimate protection of civil liberties, so that we are not doing things wrong.

The third reason really for what are being pushed in a direction of randomness is that I think the inspectors themselves, in some cases, might get a little too confident about their ability to make choices, and those choices may be the right or wrong choices. While these are in many cases experienced officers, you really don't want to put your entire trust on an individual inspector, or somebody making that call. You want to yank them back in the direction of randomness. So it has three purposes.

Plain-clothes and physical inspection: Plain-clothes officers are part of the search. They really get to watch a lot of things that are going on, and as Bruce and I've mentioned, they really know these stations. They know their neighborhoods, they know their territories.



I'm a Californian, when I come to New York, I get on the subway, and somebody's telling me that, "We're looking for aberrant behavior." I think I'm in the zoo here! And yet, walking across the station with a couple of the officers, they walk right up to this guy, and say, "John, you know, you're not supposed to be in here. We told you. You've got to leave." That's the kind of intimate neighborhood knowledge local police have.

(5) Vapor Wake Detection Canines

- **All agencies have canines, but normal application is to screen cars, bags, parcels, sometimes assist bomb technicians, and provide deterrence.**
- **Auburn has trained canines to screen vapor wakes of people.**
- **Some agencies have Auburn-trained canines**
- ***When* trained, qualified, and carefully and regularly tested in their working environment, vapor-wake detection dogs can provide significant detection and deterrence benefits for all those boarding or going through an inspection point.**
- **Even when not actively searching, they provide deterrence.**
- **Respected by terrorists, they are liked by passengers.**
- **Given the difficulty of creating stand-off passive detection, vapor-wake detection dogs should be further utilized, but also regularly re-qualified by TSA and agencies, using realistic testing methods.**
- **TSA and other agency involvement is crucial**

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(6) Shows of Force

- Heavily armed officers arriving en mass at stations or moving through trains add deterrence.
- Joint Operations with other police departments and agencies:
  - Increase deterrence
  - Increase HQ and field level partnership and planning
  - Identify need for cross-training and decisions on procedures to be followed
  - Create foundation for mutual assistance for special events and emergencies (Transit police assisted WMATA during inauguration)

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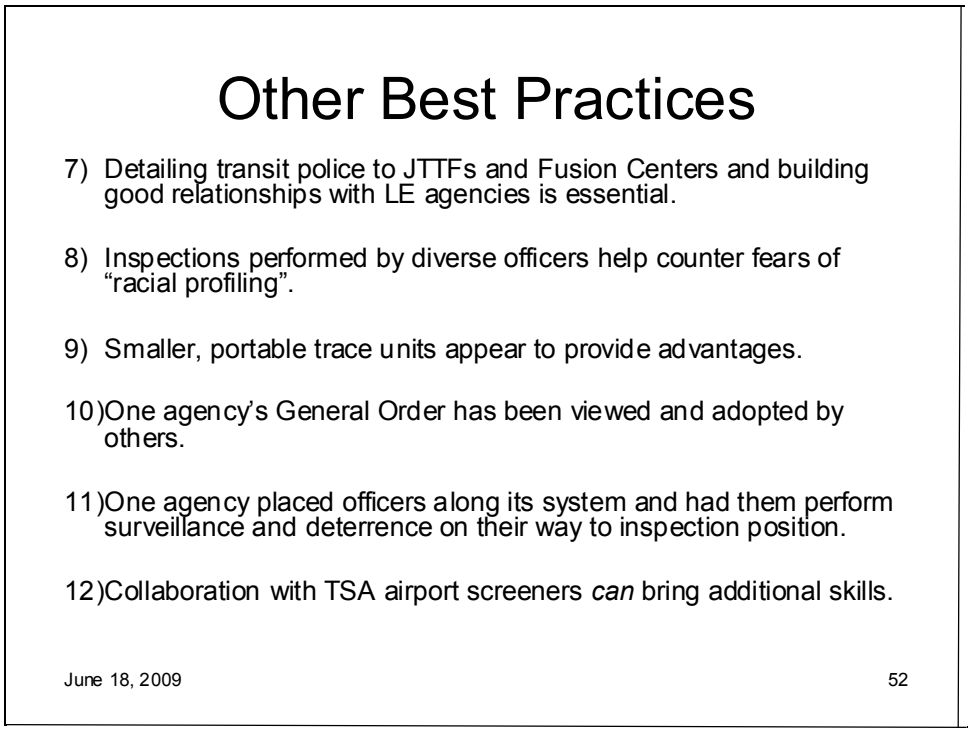
It would be nice if we had technology that could enable us to do bulk detection. We don't have that yet, but dogs are doing some pretty interesting things here.

Other best practices: The idea of details of transit police with the fusion centers and JTTFs, I think that makes sense. They're part of the overall effort here. Inspections

performed by diverse officers is another defense against racial or ethnic profiling. That's important. Again, a creative use of plain-clothes performing surveillance and deterrence even on their way to the inspection positions, and communicating with one another, that is good.



The last one here, I wouldn't have said this years ago. Airport screeners, when they were run by private contractors, were a disaster. But now that we actually have a stable TSA screening force, we have people gaining a lot of frontline experience, and TSA is beginning to capture really good experience. I think there can be some transfer of knowledge and best practices.

GREG HULL

If I could, one of the points that was made on best practices, and it goes back to a slide you had on intelligence and information. Just for the folks that are here, so that you're aware, where the major agencies are invited to the JTTF, which is a tremendous resource, there's a lot of others who don't have that resource, and so we look to other systems. What we have agreed to do, and we confirmed this at a meeting we had with our federal partners, our mass-transit sector coordinating council. It's our policy-level interface look at that particular area of DHS.

We've agreed to pull together a working group to look at the whole issue of information sharing, and this is not relative to JTTF, but in these other modes, we do have a public-transit ISAP, an information-sharing analysis center. How do we combine that into the most effective system possible?

BRIAN JENKINS

Thanks for bringing us up-to-date on the issue of information-sharing. There is a difference, by the way, between intelligence-sharing and information-sharing, and we get hung up; the feds every now and again get hung up around intelligence-sharing.

For the operators—the people running the systems, running the security for the systems—for the most part don't need the sensitive intelligence. When bombs go off in Mumbai or London, you don't need to know who did it, and how do we know that? That's an intelligence question. What you really need to know is, "What did they do and now how did they do it, and, therefore, what do I need to do, to protect our system fast?" And that's information. We don't have to classify that. We don't need top secret clearances to know that. That's something that has to move out really fast.

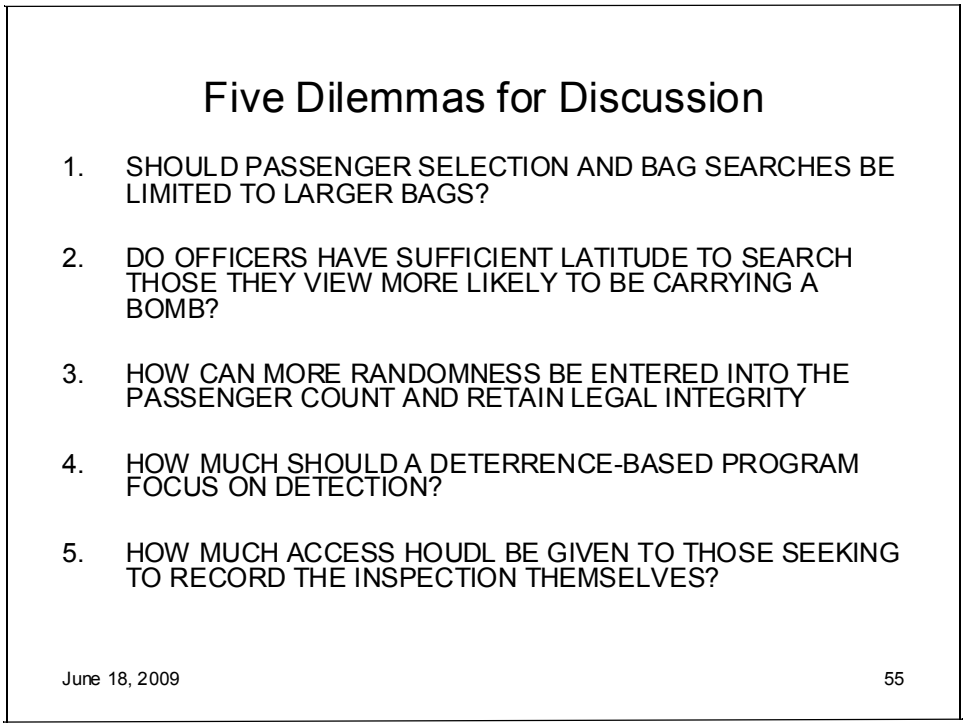
And here's a case where the NYPD has been ahead of the feds in getting that information out faster. Operating systems need to know that within a couple of hours.

Figure 1 Brian Jenkins Speaks to One of the Participants at the APTA Rail Passenger Selective Screening Summit

PANEL SESSION, PART ONE: PAUL MACMILLAN, RON MASCIANA AND ED PHILLIPS

BRIAN JENKINS

Let's get started again. We haven't imposed a specific presentation requirement, but each one of our panelists represents an operating system, or, in one case, a training function. While Bruce and I have talked about these in conceptual terms, they will be able to talk to you in terms of dealing with these issues in real life.



Some of these issues they will address were brought to us during the course of research. We don't always know what the right answers are. One interesting question that came up was regarding the issue of "should passenger selection and bag-based searches be limited to larger bags? Both larger and smaller bags? Should it be strictly person regardless of what they're carrying?"

Do the officers on the scene have sufficient latitude within a random-dictated system to respond to something that they really do think is suspicious? How do we do that, and at the same time, maintain the integrity of the randomness?

Bruce touched upon this point detection versus deterrence. This is primarily a deterrent measure. I mean, quite honestly, if an inspection point finds a terrorist standing in front of the table with a bomb, we've just found the dumbest terrorist in the world. So this is primarily about deterrence; but, having said that, it's still a detection system.

Some Opportunities for Discussion

1. Voluntary Search may be better than mandatory search

2. When there is selective passenger baggage inspection, behavioral observation and highly-trained vapor-wake detection canines can screen *all* passengers and their bags by

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Opportunities for Discussion (con't)

3. Suspicious Activity Reporting:
   - National SAR initiative is improving national data reporting, analysis, and dissemination
     - Local legacy systems can perform regional and national searches of SAR data
     - Data includes indicators, responses, results
     - Examples of State and local police now participating: Miami-Dade, NYSIC, Virginia Fusion Center
     - Data involves trains and buses
     - Terrorist and criminal cases have been opened
   - Transit agency PDs could create a national SAR "shared space" dedicated to transit indicators and responses (e.g., e.g., left luggage, suspicious picture taking)
   - Program is growing. Consider participating.

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And then a number of other questions came up about the public.People are curious about this. Their interest is not necessarily hostile. In some cases, they ask "I want to come up. Learn more about it. I want to take pictures of it." As Bruce mentioned, there

are different reactions in different systems as to how that should be handled. These are just some thoughts that came up in the course of our research.

Let me introduce our first speaker. Paul MacMillan is chief of police for the Massachusetts Bay Transportation Authority Transit Police Department in Boston. He has been with the MBTA for 26 years, has come up through the ranks and is now in charge. Boston itself is one of the oldest systems in the United States. It is also the fifth-largest system in the United States, and it was one of first to implement a screening system. So MacMillan brings a terrific experience to this particular issue. Paul?

PAUL MACMILLAN

Thank you, Brian. Thank you, Bruce. To the extent that Bruce has not outed me, I will continue to out myself here shortly. Many of those things that you saw up there will become self-evident as I go through a presentation. I'm going to show this video from YouTube. It is the video in question that Bruce talked about, and I'm going to show it first, for a couple of reasons. One, just to see popular expectations in Massachusetts.

So what we said was, "You can film for educational or sight-seeing purposes and stuff, but if you're filming, regardless of who you are, we have a right to stop you and ask you what you're doing and why you're filming."

In the video here, you'll see that this individual came down to film, and they mentioned we have a plain-clothes person observing the security inspection, and he saw this person filming, and then he engaged him, and there's a term we use, and it's a police term. It's called FIO. It's just a police term and I'll use it—FIO. It's field interview and observation. But we take the information down and talk to the individual.

So I'm going to lead off with this (video plays). This is from YouTube; and a very good description of a program, by the way. Very accurate! It's not a very good quality video, but you get the point.

So this gentleman is part of a group and I got a letter from him. I called him and and he refused to answer my phone call. He left his phone number and his email account, and I tried to write to him, to engage him, and he wouldn't write back. He sent the letter to the governor and they referred it to me to answer him.

And then another woman—they were all tied in together—wrote to the governor, and we had to write back on what grounds we have to do these things. So it's not a particularly large group.

Just a little bit about the MBTA. It is the fifth-largest system in the country, carrying 1.2 million a day. We are multi-modal and use light rail, commuter rail, bus, heavy rail, and ferry services We started screening back during the Democratic National Convention (DNC). The Arab-American Anti-Discrimination Committee along with others took us to court, and we won that case, though on very specific grounds. Because of the DNC, and because at that time we were only selecting everybody who was going to the event on the train, taking them off and searching them, the court allowed it. The decision was silent on the random inspections we're doing now; yet we haven't yet been challenged. But the New York case dealt with that.

After a period of time, after the DNC, we stopped doing the inspections. And then, after a period of time, and after the New York case was settled and New York became the

trend setter, we started inspections back up again in October of 2006, and we've done about 1,100 to date. We do a number of them per day, four or five days a week. As the YouTube slide indicates, we are supported by Homeland Security money for most of them, but not all of them. The funding from DHS says you can use this money to supplement a program you're already running. We were already running a program, so we're using that money just to do more of them.

There are three officers, one sergeant and an Explosive Detection Unit (EDU) member who has a bomb dog, and we have a plain-clothes officer that observes it. We do post these signs that were in the video, and we've screened 84,000 passengers. In the back there, by the way, is our policy and the card we hand out. I'm going to get into the sequential thing in a minute. Whether they have a bag or a carryon or not, that number comes up, and we hand them a card that says, "Had you been carrying an item, you would have been screened." And they're allowed to just go on their way. So it keeps the sequential number going.

Inspections take place outside the fare gates. The signs you saw are there. The inspection sequence is random, with frequencies raised according to the threat. We haven't had a raised threat yet.

We are the only agency that uses the computerized random-numbering system.

Let's say a refusal takes place—"I don't want to be screened." We respond, "Thank you. You can't ride the T at this station today. You need to go somewhere else." Now that person can walk five blocks and get on the T. Referring to Brian's point, this is a disruption of whatever was going to happen; maybe we pick up on that. Of if they're doing some re-planning, they may realize they just don't know where we're going to be, which is why we use a random inspection sequence and choose stations randomly. Within that context, stations are picked based on volume and also based on the patterns that have been used in past bombings.

Again, the inspection takes about 12 seconds—realistically maybe they take a little bit more. I think the guy on YouTube said it was about 20 seconds—I assume that he thought he must have observed it. But it's not an inconvenience. We swab the outside of the package, put it through the explosive trace detection equipment that I'll show here in a minute, and then it goes through. It's a quick reading and then the passenger is on his or her way. It's not intrusive at all.

Our screenings differ from others that open bags, which are "searches." We're very careful to say these are "inspections." They're not searches. People write in and say, "You illegally searched me." We did not. We swabbed the outside of your bag, we did not search your bag; we did not search your purse.

We have a protocol. If you get a hit, ask simple clearance questions. You know, we ask the obvious questions—"Is this your bag?" We ask them for some ID if it comes up.

A lot of these problems we had early on with the explosive trace detection equipment we have since solved with the manufacturer. They've done some fine tuning of the machines, and we're not getting the number of positive readings that they had before, for example, for lawn or garden fertilizer, or skin care products. Skin cream was a big hit for a while. If that happens, we ask a typical baggage clearance question: "Has anyone else placed anything in this bag?"

That will trigger an FIO. We'll get his or her information and document that. We document everybody we check by race and sex, so that we can look at the random numbers to make sure that there is not some pattern that develops in the random system that predicts who it is we're checking, or that there is some kind of bias in the system. It obviously isn't there. We haven't seen it, but we do record all of that.

After the past threat, where the intelligence community developed information that terrorists were going to attack certain critical infrastructures, we incorporated what we call "critical infrastructure inspections." We have several critical infrastructures in Boston. We talked about a lot of measures, but we never implemented any of them.

But what we're going to do if that threat becomes real—an elevated threat, or a specific threat about our critical infrastructure—is that we're going to implement more aggressive searches. We haven't done it yet, as the threat level hasn't been raised. It's going to be interesting to see if we ever have to conduct these more intensive critical infrastructure inspections.

We use explosive trace detection equipment. They're set up for it. While they can be set up to detect drugs we don't use them for that. That's specifically in the policy. We do not test for drugs. There are civil liberties claims that, "They're really checking for drugs. That's what they're doing." We do not. The machine is not calibrated for drugs whatsoever. And we're looking to get some more machines. The explosive trace detection equipment we have now is portable but are not as portable as we would like. There's the machine. We take it out every day, set up at a station, and we do have readings from it. They come from all sorts of things.

We've got 119 investigatory readings from these. There was one positive hit for explosives, from a guy who built model rockets. He verified that was the case—I believe we went to his house. We asked him to show us his information, and that he did build model rockets. Voluntarily, he took us to his house and showed us that that's what he does for a living, so that's the only hit involving explosives that we had to actually investigate.

The other hits were cleared with the questions for nitro or hand sanitizers and the like. This is what I led off with. This guy was filming these. And we let him. It's transparent. We said, "Go ahead and film them." The terrorists know what they're getting into. But they just don't know when it's going to happen. So to the extent that people know about it, yeah, okay. But where it's going to happen is a different story. But the policy is public. It's transparent.

Some advocates get upset, fearing that we've somehow done something, strip-searched them before they can get on the MBTA. They don't have the same objection in getting on an airplane or getting into Fenway Park, where they get searched and their bag gets dumped. For some reason, when they get on the MBTA, they feel that they can't be inspected.

Thank you very much. Again, thank you to the Mineta Institute and APTA. The policies are on the back table. Feel free to take one.

BRIAN JENKINS

Thank you very much, Chief MacMillan. One point that you made, which I want to emphasize here, is the issue about doing additional things, or expanding the program if the threat level goes up. One of the utilities of having a plan in place is having a tested platform for expansion if necessary. One of the dangerous ways of doing it is to wait for a higher threat level and then try to design the airplane, build the airplane, and fly the airplane all at the same time. That gets you into legal trouble. It creates procedural problems. It doesn't work well.

You might say, “Well, the threat is low right now,” but the idea of having in place a policy, a platform, a logical approach, some trained people, so that if, heaven forbid, something were to happen on the system, or a high threat level, we could say, “Well, we’ve got something here. We’ve got measures, and we can expand this, and we can just as easily bring it down when the threat is lower.”

Next, we have with us Deputy Chief Ron Masciana from the MTA in New York. Ron has been with MTA for 25 years, and has a long career in counter-terrorism.MTA is the biggest system in the world, or close to it. It's a very complex system with trains, buses, commuter trains, bridges, tunnels, all kinds of interesting things. Having had to deal with the aftermath of the World Trade Center bombing in '93 and on 9/11, plus the subsequent plots that have been uncovered, MTA is really on the front lines, and so they have implemented a program, and Ron's going to talk to us about that right now.

RON MASCIANA

MTA’s programs are very much similar to what Chief MacMillan provided regarding the randomness and selection. When we talk about “selective” and “random,” we’re talking about a combination of two processes to provide some level of risk reduction.

What I did want to do this morning briefly is to go over the court case, because think that's important for not only liability issues, but usually general managers and CEOs have a fear. They have a fear that when we implement a policy that may affect the public, that we’ll get the result that we did when the New York Civil Liberties Union filed their complaint on August 12, 2005. That was based upon the July 22 implementation of the random screening by NYPD. Of course, we in the MTA followed suit six days after the complaint was filed, because we were going to respond to the threat.

In my 26 years of experience, I never had to deal with the legal issues, as long as you’re working in a very clean environment after the fact, because you can’t risk the lives of human beings based upon what legal issues may arise. But let me just get into the court case for a moment.

There were two complaints. One was what we call “unreasonable searches.” Keep in mind that term “unreasonable.” Prior to terrorism, there have been what we called exceptions to the search rule in New York—vehicle search exceptions, as some of you may be aware of. There are exceptions when we stop someone. You can do what we call “frisk.” You stop and frisk or you can frisk individuals if you feel that they have a weapon on them. And so you can therefore conduct a search. So that’s an exception.

There's an exception to the search rule for exigencies. Let's say you're standing by a door and you hear noises in an apartment. Then you hear screaming. You don't need a warrant.

So what I'm trying to get to is that the court has recognized that there are certain circumstances and, in this case, they call it "special needs" to the search provisions.

The second complaint dealt with the Fourteenth Amendment, and that deals with due process and equal protection under law. In essence, to what Mr. Jenkins said earlier, that means treating everybody equally; it means that no state should enact or implement a law that treats their citizens without due process or the equivalent.

There were thirteen witnesses: Eight complainants and five for the defense. There were two days of testimony on October 31 and November 1. The real issue was that people felt afraid of the police during the inspections. It wasn't the searches, because two of the four witnesses that testified that they were searched admitted to the fact that they were searched at hospitals, at government buildings. They were searched at airports. So it wasn't the search and it wasn't so much what was being conducted. It was who was conducting the searches.

I don't know about you folks, but I go to Disney World once every two years. And if you got to Disney World today, not only is your bag searched, as it would be at any major stadium that you go to, but they use biometrics. So, in the case of the NYC lawsuit who does it, not what is being done, is what was being questioned.

Three of the witnesses that testified had a very extensive background in counter-terrorism. Commissioner Michael A. Sheehan from NYPD who, at that time, was their counter-terrorism czar, had been an advisor to Clinton, and he had served 35 years in the military. Also Mike Cohen, who was an advisor to two of the presidents and was also in the State Department. We had Richard Clarke from Good Harbor Consulting, who was in the military, and is a very well-known advisor to four presidents.

The basic element of the testimony was that screening was a valuable deterrent, and that's really what's important here, because it's going to be to deter, it's going to be to displace, it's going to be to disrupt their operations. You want to stop or interrupt the planning.

The court looked at the level of risk and found it to be real. The court also looked at certain criteria, but let me explain the criteria, because it's very important to understand what the court viewed. First, there was notice to the public: very important.

And what was raised earlier, the "see-something/say-something" campaign. I like to call it not community policing, but rather "passenger policing." Our community in the transportation world, they hit the same train car. They hit the same stations. They hit the same parking lots. They speak with the same people, and they get off at the same spots.

It's what our cops do. We deploy our cops at the same stations, on the same trains, because we want them to be ingrained with the community. So why aren't we taking a methodology that includes passenger policing? And believe it or not, the more you get your community involved with you, the more they support what you're going to do, and the only objection in court came from the New York City civil libertarians.

The second thing is that the search be delimited and not be overly intrusive. They're swabbed. But we do open the bags. I do want to see what's inside. In response to

question number one, it's not only large packages. Even though our history may tell us that a bomb at a certain time, whether it be in Mumbai or London or Spain, is at a certain weight, why take the chances? Let me tell you something. If a one- or two-pound bomb, regardless of what it is, is activated by a suicide bomber—which, by the way, they're not going to stop in the transit station—shutting down the system is going to have a traumatic effect. The larger device will cause much more casualties, much more damage, and it will have much more destruction of service. But if the terrorists go after the psyche, then that's what you've got to be careful of.

Getting back to the original point, we do search inside the package as well as swabbing the outside. We do use trace detectors. They're portable. And we turn the machine setting "off" for drugs. We are not looking for drugs. Our protocols, like yours, are similar. Don't go into wallets. Don't go into purses. And don't be reading anybody's material. It's that simple. That's the reason why we have supervision, to ensure that what Mr. Butterworth talks about in the MTI report takes place. If you haven't read it, I strongly urge you to read it if you're going to implement such a program in your organization, it's an excellent guiding document. Certainly if you take what they wrote and published in February '07, and then compare it with the court case, you just have no idea how close you were to what the requirements of what the courts indicated. It's phenomenal. You should be proud of the work that you have done.

Screenings and searches are conducted in the open. It's not behind a screen, as Chief MacMillan indicated. It's right there.

It's supervised; it's random. We record the number in the sergeant's and in the cop's memo books, and then record it at the base. Please, do me a favor. Unless there's some set of circumstances that changes it, keep the number the same. It doesn't have to be the same for every day. It just has to be the same for the time period that you're going to be looking at right now. Because if you change it—

PAUL MACMILLAN

Can I just interject there?

We don't authorize them to change it. When we went to the random sequential and computer-generated number, we don't allow anyone to change it. It's fraught with, "Why did you change it?" Did you see somebody that you thought, "Oh, okay. Let me change it. One, two, three, four, five. Okay. Now we can get to that person." So we don't allow it. Now if the threat level were to change during the operation, we'd shoot out another randomized number that would get more people screened. Sorry, Ron.

RON MASCIANA

That's important stuff.

HEATHER

I have a question about that. What's there to back you up on that? How do you prove documentation.

PAUL MACMILLAN

One of the officers uses a hand clicker. Then they record it down on a sheet that said, "Number eight was selected. There you go." And he sends it to hand clicker. That's the documentation, plus the supervisor there, plus the sheet they fill out.

RON MASCIANA

In the court case, Judge Berman had noted five cases of special need, where sometimes the governmental interest, rules for public safety, outweigh the privacy interests of an individual. Keep in mind, unreasonable searches are for an individual wrongdoing, and this involves a much more broader scope. Let me just read a comment.

"The government's need to discover such conditions or to prevent their implementation is sufficiently compelling to justify the intrusion of privacy without any measure of individualized wrongdoing."

The court case, if you're interested, is on the web site. I happen to have a copy with me.

It's a special need, but you have to keep in mind that what we do in baggage screening, whether it's random or selective, is that all our officers are trained in PATRIOT. If you don't use a combination of the two, you're making a mistake. Don't rely on one more than on the other. You can't say that you're going to prevent terrorism by just doing random screening or re-training your officers in selective screening. If you're going to tell me today—and I've been a police officer for 26 years, and I've been using criteria to look for people who committed crimes—"Well, just do this by number," you're going against the grain of what we're taught. You're going against our instincts. You're going against our experience. You're going against our knowledge. That's why it's got to be a combination of the two; but that's, we understand, in the realm of security.

The word "security" is plastic to most of us. It has a different meaning, but what it really does is it incorporates many aspects. We're not here to talk about CCTV, intrusion detection, access control, public awareness, and all the other things that we do. This is another tool for the segment of law enforcement to use to prevent, or to deter a terrorist attack. It's going to be very hard to prevent any terrorist attack. So I just wanted to make sure that was crystal clear.

We took this process, and what's more important is that we regionalized it, and we regionalized it in a way that we found very beneficial. We call it "Operation MASS." MASS means multi-agency super surge. Here's the deal. We know that, God forbid, if something happens on the MTA, it's going to affect New Jersey Transit. It's going to affect the Port Authority. It's going to affect Amtrak. It's going to affect the State of Connecticut. It's going to affect a region.

So we said, "If we drill together, if we tabletop together, why don't we find a mechanism to have a coordinated approach?" Then, we do these super surges with uniformed personnel, we do that together; and when we do explosive detection, we do that together. So if a customer leaves or employee leaves his or her house, and they drive right on Long Island Railroad, they'll see a high uniformed presence. They'll see explosive detection being conducted at a certain location. They get off. If they cover New City Transit, my God, they're going to see the same scenario. And if they go to Amtrak, they're going to see the same scenario. If they go to Penn and take New Jersey trains,

they're going to see the same scenario. And this is very important, and we plan these out. Since July '08, when we started, to July 9 of '09, in one year's time, we conducted 21 events that incorporated over 5,200 officers.

Here is one more piece that's very important. We thank the TSA in this regard. Number one, we use TSA inspectors when we do these multi-agency super surges. We collaborate with the National Guard. In New York, the National Guard has been deployed since the day after 9/11, and they've been with us ever since, so they're part of our law enforcement teams. So when you look at something that we deem is successful, one of the things you want to do is regionalize it, because any attack on any system in this area is a regional concern, so you might as well work in a regional arena.

As an aside, though not so much this year, we use transit security grant programs—the same grants regional transit agencies use to do interoperable communications, to do interoperable protocols, to pay for some of the events. We thank TSA for paying for what we call our surges with a high uniform presence to put officers on overtime. If I leave you with anything, it's these two thoughts: one, feel comfortable that New York has endorsed their type of screening; and two, it's a partnership not with just one other agency, both many agencies working together in a regional approach.

BRUCE BUTTERWORTH

Brian and I went down to see your screening operation. Your officers set it up for us, and that was above and beyond the call, so thank you.

BRIAN JENKINS

Thank you very much. Ron, correct me on the legal case. I think one of the contentions of the plaintiffs in the case was that they said the screening was ineffective, that if you weren't screening all passengers, or if you were only screening a small number, that this would not really have an effect. Is that the case?

RON MASCIANA

That's absolutely correct, and the judge, in his infinite wisdom, asked the witness about his background, and he openly admitted he had no expertise in counter-terrorism, while the defendants had produced five.

BRIAN JENKINS

Right. And I think the court's actual ruling on that says that the judgment of effectiveness is beyond the court to decide. The court does not decide effectiveness, and that's important.

UNNAMED PARTICIPANT

The judge said that?

BRIAN JENKINS

… That effectiveness is not within the realm of the court decision.

The exact language will be in the court decision.

PAUL MACMILLAN

But it's a decision that says, "You can do it. We don't know if it's effective or not, but that's not our job."

BRIAN JENKINS

Yes. Judges don't make decisions on effectiveness.

RON MASCIANA

That's right.

PAUL MACMILLAN

But we're not going to rule it out because it's not effective.

BRIAN JENKINS

Some people have said that the screening programs reduce crime in the area.

RON MASCIANA

I was going to raise that, and I'm sorry I didn't. If you're dumb enough and you're walking through an area where there are uniformed personnel, you know that there's a K-9 unit, and you're going to be carrying a weapon of any type in your package, or your bags, too bad. You're right. It has made an effect out there and it has made an effect on those who anticipate carrying weapons.

BRIAN JENKINS

I just wanted to raise that issue.

We will have a speaker at kunch, John Sammon. He's been kind enough to fly over to Chicago to speak to us

But I think we've got time enough for one more presentation before then, and that would be Ed Phillips from Amtrak. Ed is the Operations Deputy Office of Security for Amtrak. In fact, he was the individual who designed and who now oversees the random passenger screening process for Amtrak. Ed comes to us with 35 years of military and civilian counter-terrorism background, and will talk to us about Amtrak's work. Ed?

ED PHILLIPS

It is a pleasure to stand between people and lunch! I'll be brief. On behalf of Chief John O'Connor from Amtrak Police, I want to thank APTA and MTI for inviting me to be here today.

To give you a sense of scale, Amtrak services passenger rail stations today in 46 states. We don't move the number of peoples that a normal mass transit agency moves, but we're spread from literally one coast to the other, so the challenge is quite extensive, as you can well imagine.

We're completely risk-based. Everything we do is about risk management. There's less than 350 security and uniformed officers in the Amtrak security population, so even if we wanted to put one officer a day at each of our sites, we'd run out of people, and then they work on shifts. Not a lot of folks, so what do you do to address that?

We started our random-screening process based on the plan that New York PD had already built. We didn't want to reinvent the wheel and, thanks to NYPD, we copied their process to the letter after conversations with Commissioner Kelly, Commissioner Sheehan, and Commissioner Cole. We even went to NYPD, stood with them, wrote down notes, took their protocols, and copied their language, because we liked what they did. So we owe New York a debt of gratitude and the system there at MTA.

Our approach is what I would call a combined arms team. The random searching is nothing more than the device that everything else we do revolves around. In fact, it's the least important in terms of physical detection, and in terms of results. In our screening package we have at counter-surveillance plain-clothes on the outside, when people are waiting to go in, to get on the train and on the inside as well. They are connected with communications and they are trained by the same folks who train the CIA and the FBI in counter-surveillance. It's primarily tradecraft, but they are beyond BASS. They're BASS-plus. Then we have our screening team, uniformed APD (Amtrak Police Department) officers. They're organized exactly as you've heard before without one smidgen of difference.

We have at least one K-9 with each of the operations and sometimes we deploy our tactical guys. These are all former military Special Forces guys or former police SWAT unit members.

So we're trying to give a would-be reconnaissance element a visual image. They will see these guys are serious. They will see all sorts of things going on. They'll see dogs. They'll see guns, and they'll conclude, "Gee, we don't even know what's going on, and tomorrow, they could be anywhere—they could be in Philadelphia. So how are we going to deal with that? Well, we'll go somewhere else " That's the plan.

Let me show you the video that we show every passenger before we do every screening. We want to be completely open with the passengers, and I might, just as a digression, state that we've received no formal complaints because of this process. We've been doing screening since February 2008, though we've had some people that walk up and complain, other than that, we haven't had any real problems. And if I can get the technology to work here, I'll show you what we show them.

BRIAN JENKINS

Ed, this is your boarding video?

ED PHILLIPS

Cheap movie. We used everybody to make it. It's all home-grown productions.

That's what we show our passengers. We're very up-front about it, and we don't try to pull any punches. We completely lay this out.

This is Washington DC's Union Station. I'm sure many of you are familiar with the station. We use that same video when we run the operation in New York. We run it in Philadelphia. We run it in Wilmington, Delaware. We run it in Boston. And we try to hit it with everything we've got at one time.

TSA is a valuable partner for us, particularly Mr. Paul Lennon, and Mr. Tom Farmer. We take them everywhere we go. Our belief is, as long as we're not doing anything untoward or stupid, the more people we can put out to be seen the better, in terms of just massing for the mission of the day. So far, we've had zero official complaints, and we've not been challenged in court, thanks to the NYPD, and thanks to the City of New York, and all the work that they've done in advance. And that's, in a nutshell, what we're doing with regard to random screening.

We do use the numbers approach. We pick a number and we follow that. We do believe that the officers are entitled to conduct questioning—we call it "chatting people up"—if there is a reasonable suspicion. This is triggered not just by BASS training, but also, if also if we think for whatever reason there may be a suspicious behavior.

And then lastly, we are now training all of our front-line employees in very basic BASS using the Logan International Airport model, reshot in Philadelphia 30th Street, as a means of conveying that to our conductors, our ushers, our ticket sales personnel, and our on-board service sales people. So we try to get every human asset we can deployed to detect and deter this event. Sir?

BRUCE BUTTERWORTH

One of the more unique and interesting features of your program is that if you've got people stationed at different points, and while they're traveling to where they're going to be working the station, they do duties while they're on the train, right?

ED PHILLIPS

Yes.

BRUCE BUTTERWORTH

So, they're actually working on the way to doing the inspection, and then back again. So you've got this very good cross-utilization of manpower.

ED PHILLIPS

You know, we have a linear target. For example, in the Northeast Corridor, you're talking hundreds and hundreds of miles of track, and so if we've got plain-clothes surveillance guys, we'll put them on a train. We'll run them up to Philly. They're doing the job there. We'll put a K-9 on the train; the K-9 will sweep the train. By the way, we really like the vapor-wake dogs. They're almost all black or golden Labs. The passengers love 'em. They don't really scare people, but they love the dogs, and maybe that's why we haven't had any complaints. We try to get triple duty out of everybody. If you're working that day, and you're on a train, we're using you on the train, we're using you at the station, we're going to use you at another station, we're going to use you all the way back home.

BRUCE BUTTERWORTH

Have you had to increase your staffing in order to be able to accomplish it?

ED PHILLIPS

The answer is "yes and no." On the APD uniformed police side, no. Chief O'Conner dedicated 15 personnel on the East Coast as a mobile-team unit, or MTU. They're headed up by an inspector. There's there five-man teams, and each team is headed by a sergeant. There also are counter-surveillance plains-clothes. Those folks were hired as additional headcount in 2007, 2008. We have uniformed or security officers for the entire system.

BRUCE BUTTERWORTH

I'm sorry. Did you mention if you use supplemental TSA screeners at all?

ED PHILLIPS

We don't use TSA for screening yet. We use them for physical presence. We will take them and say, "Okay. We're running a major operation in Union Station. We'd like for you guys to be out in front." And they have their BDOs (behavior-detection officers), and there's usually a FAM (federal air marshal), or a BDO, or a combination. For example, for the Winter Olympics in 2010, the TSA is helping us to cover our station between Seattle and in Bellingham, Washington, with K-9s and BDOs, and we're running the train operations to and from, so we couldn't do it without them. We'd run out of people, and they come with zero price tag. That's what we do. Thank you very much.

BRIAN JENKINS

Thank you very much, Ed. One other thing, by the way, a utility of screening, is that when we talk about increasing the security. Surface transportation targets, many of the operators are understandably reluctant to make major investments in capital equipment, because that's expensive, or making committments that require permanent commitments to increased manpower. The attractiveness of having something that is not a big capital investment, but that can be expanded and reduced quickly, becomes attractive.

Almost all of the systems, long before selective screening was put into place, indicated that they would respond to a heightened threat environment by increasing the presence of uniformed and plain-clothes in the systems.

If one is increasing the presence of uniformed personnel in a system, you have two choices between them just being there as guards, observers, which has some utility, or enhancing their ability to interact with the passengers. Having a screening program is one way to say we will increase presence, and increase our opportunities to interact.

I testified in the Senate earlier this year on the Mumbai terrorist attack, and was asked by Senator Lieberman, "Could such an attack occur in the United States?" In the Mumbai attack, to go to the transportation side of it, there were two shooters, heavily armed, AK56's, seven magazines, M-9, a 9-millimeter pistol, two clips, eight to ten hand grenades, and so Senator Lieberman said, "Could it happen here?"

And I said, "You know, probably we haven't seen any evidence of something on that scale in this country, but certainly, we have had experience with single or multiple shooters in this country, coming into public places, whether it's universities, or most recently, the Holocaust Museum, or something like that, yes, certainly."

I said, however, "The big difference would be the response of local law enforcement, because in Mumbai, these two shooters were able to continue shooting inside the central rail terminal in Mumbai for more than an hour. Ultimately they accounted for a third of the fatalities. More than 56 people died in the Mumbai train station. It would be quite different in the United States, both in response and in presence."

That was underscored when Bruce and I were at Penn Station observing an MTA inspection point in Penn Station, and not just because it was St. Pat's Day, but there were MTA doing the inspection. There were NYPD. There were TSA.

There was Armed Amtrak. National Guard. And New Jersey Transit cops were there. With that kind of presence in the station, had the terrorists taken out a weapon and started shooting, it would have been over very, very quickly. So I was able to assure the senator that, "No, it is different here in terms of our ability to respond to shootings."

UNKNOWN PARTICIPANT

But that can't be said for many of our stations, because we don't have the presence.

BRIAN JENKINS

Right. We don't have it everywhere. And so, again, we come back to this issue of risk management. Can we protect hundreds and hundreds of remote stations? No. Can we protect Union Station and Penn Station? Ron?

RON MASCIANA

I guess what I wanted to make a point that uniformed presence doesn't always necessitate the need for law enforcement. When the threat is heightened, then, as a transit operator, I'd be looking at what transit employees, those that we've trained, can do. You don't just put uniforms out there. How could you put them at all the gateways? How can they be by ticket agents? Things like that. So I think, for me, it's a combination

of the employees and law enforcement. It's easy for us: we've got 70,000 uniformed employees. Don't get me wrong. I'm not trying to hide it; but we do have to seek those resources that we have, that we can put on reserve.

You know, we do it anyway. Transit agencies do it in preparation for a major storm. We do it for a natural disaster. Why don't we just prove it in a more proactive approach? I guess that's the point.

BRIAN JENKINS

Right. It is five minutes to 12 and, owing to Mr. Sammon's schedule, what we're going to do here is break here. We've got a couple more speakers on our panel. So lunch is right outside. Grab it and bring it back in.

Figure 2 Participants at the APTA Rail Passenger Selective Screening Summit

KEYNOTE SPEAKER JOHN P. SAMMON

BRIAN JENKINS

This afternoon, we have John P. Sammon, who has kindly interrupted his schedule to fly from Washington to talk to us during our lunch, and he has to get right back. John is the assistant administrator for Transportation Sector Network Management, and leads an effort that brings together both public and private networks on not only our surface transportation systems, but also for aviation and maritime.

He brings to this task a quarter century of experience in the public and private sector. He's spent many years in the railroad industry, working with both Conrail and CSX. He's going to chat with us today, and be able to answer a few questions, and then we can get him back to O'Hare, where he can sit on the plane for four hours because of the weather delays.

JOHN SAMMON

John Sammon delivered a keynote that addressed several issues, including TSA's transit security strategy, which includes visible deterrence, intrusion and anomaly detection, and facility hardening. He said that TSA's transit security begins with active security partner engagement and risk-based security funding.

Figure 3 John P. Sammon, Assistant Administrator, Transportation Sector Network Management

"TSA's transit grant strategy," he said, "begins with a regional focus. We believe that effective transit security requires an overall level of regional security. Manhattan cannot be protected if potential terrorists have free access to transit systems in New Jersey. TSA has shaped the process, first, to begin with intelligence and intelligence sharing (i.e. terrorists like to blow up trains, stations, and busses throughout the world and there have

been numerous transit threats in the U.S.); second, to focus resources on high-risk agencies, meaning those having high-volume passenger loads in confined and often underground locations, and a threat/plot history; third, to give priority to low-cost, high-return security measures such as training, drills, canines, mobile screening, transit security surges, intrusion detection and access control; and finally, to use regional transit security working groups to identify, discuss, and determine regional priorities."

Those who are screening rail passenger bags include the New York Police Department, New Jersey Transit, Metropolitan Transit Authority, Amtrak, and others.

He noted that TSA's transit security strategy evolves through, and is better from, constant interaction with its security partners and advisors. He said it is designed to make terrorist attack planning more difficult and their targets less attractive, and it is designed to make the facilities and systems more secure.

During his presentation, Mr. Sammon also provided some background about why transit security is important from a risk standpoint. In this sense, risk equals threat, vulnerability, and consequence. He listed real threat history of bombings and plots around the world; vulnerability and high consequences of transit; and why transit is difficult to defend.

In its broadest sense, he said, passenger screening involves identifying hostile intent and capability of unknown passengers. He listed types of screening, including identity verification, travel document verification, chemical detection, and more.

Rail screening involves canines, he said, as well as random bag searches, ticket checks, train sweeps, directed patrols, behavioral assessment, and other factors.

Mr. Sammon also discussed the effectiveness of screening methods, including canine teams, bag searches, remote monitoring, and other elements. He also spoke about the future uses of cameras. And he provided information about the Department of Homeland Security passenger screening support, including funding sources.

Issues associated with random screening included methods for ensuring that passengers' Fourth Amendment rights are protected. Those methods include signs informing passengers that they and their property is subject to search and that they can refuse and leave. They also include random searches, a focus on bags and luggage, and documentation of the search procedure.

Resources are expensive and local transit budgets are tight, he said. So focus must go to the highest areas of risk, vulnerability, and consequence. In summary, he said, open and inviting targets are most vulnerable, that random passenger screening can be an effective deterrent against attacks, and that it's necessary to focus resources on areas with the highest risk.

PANEL SESSION, PART TWO: DAVE SCHLESINGER AND JESUS OJEDA

BRIAN JENKINS

A couple of comments quickly before we go on with our next speaker on the panel. As I mentioned this morning, we are currently engaged in a study of derailing passenger trains at speed, looking at all of the actual episodes, mainly abroad, where terrorists have gone after the rails, whether with an explosive device, or by tampering with the rails themselves, in order to create derailments. We have some episodes from Japan, some from France, some from Russia, and we're looking at those to see what were the tactics, the techniques—how they did it. It's a big concern in California, too, where we're going into a high-speed rail system.

A second comment is that, despite the economic difficulties of the country, in fact, in part because of the stimulus package, money is going into the renovation or the construction of new transportation infrastructure, and one of the things that we are focusing on in our current and future research is that this is really going to present an opportunity to build in security from the start. What we have been doing thus far is essentially retrofitting. We build these systems, and then we had to come along later and figure out, "How the hell do we protect them?"

As we build new systems, or renovate, whether it's bridges, rail lines or whatever, it gives us an opportunity to say, "Security is going to be a design criterion." But, having said that, how do we actually operationalize that? What principles, what do we actually want them to put into these designs so that we do this?

That relates to a personal experience. Some years ago, after the bombings of the American embassies in the Middle East, I was part of a commission called the Embassy of the Future. I was the only fraud on the commission. All of the others were architects and engineers, and they tried to get at least one terrorist. They couldn't, so they got me as a substitute, and I had to write the threat section. The idea was, "We're going to build new embassies; four or five new embassies every year. As we build new embassies, what do we want in terms of design criteria, construction specs, etc. that will give us embassies that will be defensible against the likely array of threats we will face looking out 10, 15, 20 years."

They said that the life of an embassy is 50 years or more, and they were looking for the threat to do that. I said, "Looking at the threat 50 years in the future—that's entertainment. That's not research."

But nonetheless, this is an issue where we are going to be looking at. The particular issue is how to make security a criterion for renovation and reconstruction of the transportation infrastructure.

We have mentioned training—about a dozen times so far—and that clearly is a critical ingredient of making these things work. Therefore, we thought it would be super to have, as a member of our panel, someone who is deeply involved in training.

Dave Schlesinger has kindly agreed to come here from Oklahoma City, where he is the course manager at the Transportation Safety Institute, and is involved with a number of

courses and training efforts focusing on the issues of transportation security. He has a background as a first responder, and as an operator in transportation systems in Los Angeles. He brings that experience with him. I should really mention this as a congratulations. Last year, he received the U.S. Department of Transportation Secretary "War on Terrorism" medal, so congratulations for that, Dave. Come on up and talk to us about training.

DAVE SCHLESINGER

Good afternoon. My name is Dave Schlesinger. I'm with the Transportation Safety Institute, and, on behalf of the U.S. DOT and the Transportation Safety Institute, I'd like to thank MTI and APTA, and also I'd like to welcome each one of you to this session.

What I'm going to talk about this afternoon is really going to reinforce what you've already heard so far today. You've had some subject matter experts, or SMEs, as we call them, come up here and share their experiences and the issues that they've dealt with, even inside the courtroom, as it pertains to selective screening. So the question that I have for you, and the challenge that I have for you this afternoon, as you take the expertise of the deputy chief, or the chief of Amtrak, of our other panelists, of Bruce and Brian, and you ask yourself the question: These people represent the epitome of expertise in the subject matter. They are the go-to/end-all when it comes to the expertise. How do you take that expertise that they have and filter that down to your folks that are out there doing this work? And that's really what I'm here to talk to you about. And that, ladies and gentlemen, is training. You've got the expertise, but how do you get that expertise, how do you get those ideas, those ideals, down to the field level? And that is extremely difficult. That is very, very challenging.

You may have heard there really are three different things, or three ways, that operations are run in your system, and it doesn't matter if we're talking about transit or FRA-regulated side of the house, any type of industry. You all know that you have your procedures, you have your training, and then you have what's actually done in the field. And never shall the three meet. The closer you are to having the three meet, the better your operations run. I just kind of throw that out there, and if you really think about that, you spend a lot of time writing your procedures. You spend time training your staff, but then how do you pull all that together so that, out there in the field, people are doing what the paperwork says, and what they were actually trained to do? Does that make sense? And that is a challenge no matter what industry or what field you work in, where you come from.

So let me talk briefly. I'm just going to go through a couple slides that are more generic to who the Transportation Safety Institute is. Then I'll get into the specific topic of selective screening.

One of the things that TSI has done in the last four or five years is partner up with TSA. It was very exciting to hear the keynote address today, because it reinforced a lot of the work that we've done.

Basically what we did was, there was this recognition within TSA that they were bringing in a number of people to work in their surface transportation security inspector program, or STSIs, as they're commonly called. And many of these folks had a railroad background. Those who came with a railroad background mostly come from the FRA

side, but a large number of them have a law enforcement-type background that doesn't necessarily have a transit involvement. So how do you take those folks and train them, first of all, so that when they go out on the rail right-of-way, they don't get hurt, because that's always very important. But also, since they know what they're talking about, and so they can be conversant with Amtrak, with New York City Transit, with Boston, so on and so forth, they can speak the language. Because all of us at one point or another have been audited or met or have been inspected by someone only to realize that person doesn't really know what they're talking about.

We've basically created a program in cooperation with TSA. Before they send their new surface inspectors out to do their work, they come out to Oklahoma City. There's a big FAA center in Oklahoma City called the Mike Monroney Center. They come out there and they actually do some work with TSA. TSA has an academy there now.

Then they come across the street to the TSI building, and we spend a few weeks with them, and we actually go through and teach them a class called "Rail Incident Investigation," which covers rail basics as well as rail safety, hazmat, and some other topics. So that's kind of the partnership that we've put together with them, and that was really what led to the War on Terrorism medal being awarded to us, because it was more about this work that we're doing to prepare them to go out and properly defend our surface transportation network.

So it's a great partnership that we've had with TSA. We have a tremendous amount of love for TSA in a lot of different ways. We also teach a lot of our classes at transit agencies, even right here in Chicago. We're coming out to Chicago in about six months. We're going to have a room full of about 30 CTA employees, and we're going to teach "Effectively Managing Transit Emergencies," and the entire class will be funded by a DHS grant. So that's kind of the other side of how we work very closely with TSA.

Likewise, just for your information, TSI has what we call our TSSP—Transit, Safety and Security Program—and this is a certificate that's awarded to people if they complete four of our courses within a three-year period. People can then take that certification and actually go to the World Safety Organization and get safety certified by them. A little bit off the topic of today, but just for your information.

We also work very closely with state safety oversight, and if you're familiar with 49 CFR, part 659, what is commonly referred to as State Safety Oversight, we work very closely with that community. The State Safety Oversight community actually goes through a set of TSI courses, that also, on the security side, ties into the security plans of the transit agencies, because we also train them not only on the system safety program plan, but also on the security plan requirements.

So that's a bit of a background on TSI. Let me move now, if I may, into talking specifically about selective screening issues, and you've heard again from a number of the speakers. They've talked about having a program standard. They've talked about having some type of guiding document that is used for this activity. And the chief here from Boston was even kind enough to provide us with a copy of his. But again, what you want to ask yourself is, "Is the document realistic? Are we training to the document? And are we actually following it out there in field? Is everyone familiar with it?"

We've talked site selection and signage, and a lot of this has to do with your pre-actual screening work. In other words, having people go out that know your system, and doing

an assessment, creating a database, saying “This particular location, because of the station layout, or the extremely low traffic, or the far outlying area that it’s located in, we’re not as interested in.” You can do this by doing a priority system or a tracking system within your database.

Then, of course, we’ve talked a lot today about what? Inspection methodology. And this is very, very important, because you’ve got to look at the backgrounds and previous experiences of your folks actually doing the inspection, actually working there and doing the screening. And what type of background do they have? Where do they hail from? For the most part, we’re looking at our law enforcement folks, but, as we talked about in the New York model, we’ve got some involvement by TSA. So if we’ve got these folks over there, how are they conducting this process? And that’s something you want to look for and make sure that you train for, and that ties right into courtesy and respect.

You will find that your patrons, your passengers, will be a lot more forgiving, and will give you a lot more latitude, and will be a lot more cooperative, if they’re treated with courtesy and respect. And I’m sure each you can think of a time that you, yourself, have been screened at the airport, and maybe there have been some times that it was such a positive experience for you, just based on the way that people treated you.

I fly a lot out of Oklahoma City Airport. It’s a smaller airport. And I tell you, the people there—I mean it's Oklahoma—the people there are so friendly. “Hey, how are you doin’ today? Where are you heading?” They’re conversant with you. They put you at ease. “Hey, sir, I'm sorry. You know, we need to take your bag and run it back through. There’s something. We don’t really know what it is. Is there anything in there I should know about?” They are so wonderful there about that courtesy and that respect, and making you feel comfortable, and putting your guard down.

And that really goes a long way, which, of course, ties into the next topic, which is what? “Problem Management.” You’re gonna have problems with some of the folks that you're trying to screen, for one reason or another, be it on the civil liberty side, be it the person’s having a bad day. They just got fired from their job. They’re upset about something else. You’ve got to train your folks on how to actually deal with that, how to manage that, how to handle that.

And you may have different levels of response that are based on what the person is doing. If they’re getting physical with your folks, if it’s their language, what are your responses going to be? Make sure you lay that out in your documentation, and you train your folks accordingly.

Then we’ve heard a lot this morning about documentation. I really like the idea that we keep a log, we keep track, where we carefully keep note of what we do. I’m sure many of you on the FTA side know, and under FTA regulation, FRA regulation, one of the things we do in our drug and alcohol programs is random drug tests, and many of you have come across those questions from operating personnel. “Well, I don’t understand. I’ve been sent for random three times this year, and my buddy down the hall never got sent once. You don’t like me.” You have to go back and show people it’s based on a random system. There’s a truly scientifically verified random system. “And it just so happened that, luck-of-the-draw, yours came out more than someone else.” That tends to be extremely important.

So let's just talk briefly about training approaches. Again, when you talk about training, there are different ways of doing it, and one of the approaches that many agencies take is a "train-the-trainer." So you get your core group together, you get your core constituents together that actually run the program, or that are out there, which is the supervisors, or the leads, if you will, and you train those folks. You bring them up to speed.

Now most agencies are really good about doing that. I can tell you from experience that where the ball is dropped is in selecting those people and making sure that they can adequately train. Can't we all agree that we've been to training sessions that you've walked out of, signed a piece of paper, but really not learned anything? It's not just about grabbing a group of folks and saying, "Look, I'm deputizing you to run this training for me." It's making sure that those folks actually know how to train, know how to speak in public, are able to run a training session. And I can tell you from experience, when I was in Los Angeles, we had an incident that one of our responsibilities was training the entire operating division on handling hazardous materials. As an operating person, I was mandated to attend this training.

And the room was set up a lot like this. The person got up in front of the class, and said, "Okay. I'm going to do a four-hour training today on this hazardous materials issue." The gentleman got up here and stood like this for four hours, and excuse me for putting my back to you, but I was sitting behind him, and around me was a whole bunch of third-shift track inspectors. And what do you think all those guys did? They went to sleep.

But at the end of the four-hour session, there was a roster passed around, and they signed. And it went in their training file that they had attended that class. So just be careful. Don't always think that training is a silver bullet, because it has to be done correctly.

Then what you want to do is you want to test. You took the training. How did you do? Test. You want to follow up in 30 days. You want to follow up in 60 days and then you want to do random monitoring. So if you the selective screening set up, and you've trained the person, and you've tested the person, every now and then, the chief shows up, the deputy chief shows up, a lieutenant shows up. "Hey, guys! How are we doing? How's everything going?" And they ask. And we love to do this on the safety and the security side of transit and of rail.

When I go out and work with agencies, I'll walk in at three in the morning. They'll tell me, "Okay. What time do you want to do your first check?" "Hey, let's do it at three in the morning on Sunday. Let's go out and see what the track crew is doing at three in the morning. Let's show up at the control center at three in the morning and see what the staff is actually up to, because, really, the manager is not there." It might just be a controller that's running the whole place, and what is really going on? So just keep that in mind. With your training, you need to do your training, but you also need to follow up. It's a continuous process. It's really a circle. It's like painting a bridge. You start in San Francisco on the Golden Gate, and by the time you get to the other side, you've gotta start back over. And that's how you have to look at training—follow-up, evaluations, testing, and so forth.

When you talk about front-line training, so you can take your train-the-trainer, you could take your brand-new "expert" now, and your person can go out and train others. You can

also do front-line training. You could bring in an organization, TSI, someone else, a consultant, and they could do some of that training for you, with your front-line employees, when you do it in-house with your instructors that have been properly trained. They typically will refer to that as some type of front-line training.

And then there's your management awareness training. You want your managers throughout your system to know what's going on, and to know what the issues are. So, in the context of law enforcement, our sworn personnel that is doing this actual inspection work for us—what type of training have we done for the station managers, for the transit mangers, for the transportation managers? How aware are they of these programs? If there's an incident, do they know what's involved? Do they know how to respond?

So I know many times we tend to focus on or we delineate between what type of training our sworn personnel get, what type of training our civilian personnel get, and a lot of times, it's really important that we work together and we talk to each other. Just like drills. We talked about it this morning. How important it is that, when we have an incident, we all know each other. We've worked together. We've drilled together. Our radios can talk to each other. We know each other by face. I always say, you know, "If you're in the line of command, you don't want to be the person showing up and meeting your counterpart at the scene of the incident." And, as much as some of the recent transit incidents have been tragic, one of the good things about them has been the effectiveness of our emergency response. And it doesn't matter whose incident you look at. Recently, for the most part, we've done very well as an industry responding. So that model, those drills and all that, can tie into your selective screening, where you have that preparedness and everyone's on board, and they have the same information. They understand what's being done.

Just really wrapping this up for you, you can do some role playing. Many times, people kind of chuckle at role playing. They kind of say, "Well, what's that? You know, why would I want to do that?" But the power behind role playing is that it allows people to actually see what can happen. If you actually set up a simulated screening, and you get some people with a bit of a personality and charisma, and say, "Look. I want you to show up, and I want you to be the problem person being screened." Then see how your staff deal with that, and actually role play that out. That's a lot of what we do in our classes. If you come to a weeklong rail incident investigation class, I'm going to take a train and actually derail it in the yard in a controlled condition using re-rail equipment. I'm going to bring you in as a student and let you investigate it. So it's not just about sitting in the classroom. It's about, "Let's go out in the field and actually get our hands dirty."

And then, from there, your continue training. I kind of touched on this already. You need a feedback system. For example, if you're getting comments from your patrons or from your staff that there's a particular problem, that you can go back, and through your training, address that problem.

You know, maybe we need to do a little bit better on the courtesy and respect side. Because of some of the phone calls we're getting, and we have some on our Web site, people are saying, "You know, I don't really have a problem with this whole selective screening thing, but, I'll tell you. If these guys are just a little more polite to me, it would it a little easier." And you assess it, and you say, "You know, that's a valid concern. I think we should respond to that."

So you feed that back into your training system and you go out and you do that with training. Maybe there's a regulatory change, there's another court case. Something comes down regulatory-wise. There is a decision made in another jurisdiction and you want to bring your staff back up to that level. So that is the idea behind the current training that you go back and you refresh, you reinforce. You make sure that people are doing what you taught them.

So that pretty much wraps it up for my session. I hope this has been helpful for you. The thing I want to really emphasize is, please remember that the expertise that you have running this program and managing this program has to be trained and taken down to the operational level so that everyone that's out there getting their hands dirty would do it the same way you would want it done if you were actually there. Any questions that I can address?

BRIAN JENKINS

It may be in some of these future court challenges that the documentation of the training, the nature of the training, becomes part of the defense of the thing. Not only that they are trained people, but here is what they have received as part of that training process. So there needs to be something beyond just signing a roster, something that documents the training and contents of the course, I would imagine.

DAVE SCHLESINGER

Sure. I entirely agree with you. And a good model to look at is OSHA. On the occupational side, on the industrial safety side, if I have an OSHA inspector walk in, and he says, "Okay. I see Chief Teybourne over there wearing his particular personal sets of equipment or doing a particular role. Has the chief been trained in this?"

And I say, "Oh, yeah. Sure he has." If I can't produce the documentation, it never happened. And that's the approach that we take. Generally, the way you want to document training is, that you do want to have a sign-in sheet and a roster, and you want to keep a subject-based record of what trainings occurred. Then you also want to keep it on the individual level. So at a given date and time, I know what training the chief has been through, but then I can also pull up his training record at my agency and elsewhere and tie that all together, including the document. That is supported by having copies of what you actually trained for. It's not just a piece of paper that I signed—here are the actual materials. Here is the instructor guide. Here is the PowerPoint. This is the test that he took. We brought him back in six months later and we did recomp training.

BRIAN JENKINS

Great. Thank you very much.

DAVE SCHLESINGER

My pleasure.

Figure 1 Jesus Ojeda, Security Coordinator, Southern California Regional Rail Authority, and Dave Schlesinger, Course Manager, Transportion Safety Institute

BRIAN JENKINS

There is a perception that screening is something that cities in the East do, that we don't do this on the West Coast, certainly not in California, but that's not correct.There is an exception to that, and the exception is Los Angeles. And although California's geography, especially the social and political geography, is greatly different from our cities in the East, nonetheless, we have screening going on at LA, at LA Metro and Metrolink. We thought it would be a great idea to include in our panel someone who could talk to us about that screening program and those experiences, in implementing that, and so we've invited Jesus Ojeda, who is the Security Coordinator for Southern California Regional Rail Authority. They operate MetroLink, which is our rail system. Admittedly, it's not as big as MTA in New York. One is still heavily dependent upon automobiles in Southern California, but it is an expanding system, and it's getting better. It's getting more elaborate, and, the social and political geography is very, very different.

Jesus Ojeda is responsible for the security of the employees, the passengers, and the system itself, and he brings 12 years' of commuter rail experience. He has been in charge of this, and working with the police—actually the sheriff's department—in implementing this particular system. Jesus, you have the honor of being the last panel member.

JESUS OJEDA

All right. I have a quick presentation here.Thank you very much for the introduction and I also thank you for having us here to talk about our random baggage-screen program that we have implemented in Los Angeles. What I'd like to do is, before we actually get to the program itself, I'd like to give you just a quick background of our system, how many trains we operate and the entire lines that we run on.

As you know, MetroLink is a commuter rail system. We operate on seven different lines. We cover six Southern California counties. We have 55 stations throughout the system. Six of those lines, six of the seven lines, work their way into Los Angeles Union Station,

which we'll get a chance to talk about that, and how difficult it is to do a random baggage search at that station.

We have about 38 different police jurisdictions that we travel through. We do provide training for all of those police departments along with the fire departments.

BRUCE BUTTERWORTH

And mind you, those are counties, not states, for you East Coasters.

JESUS OJEDA

That's right, very challenging. So how do we get through the random baggage-search screenings? Prior to getting to that, let me talk a little bit about our training with passengers and our front-line employees.

A lot of you know my boss, Ed Peterson. After the Madrid bombings, he was brainstorming about ways of informing our passengers to stay alert, stay vigilant. So we had a brainstorming session and we came up with the "iWatch" campaign.

Basically, what we did, we added posters on every passenger car. In addition to that, we needed to educate the passengers, so we developed a brochure that came along with the poster. On that brochure, we have specific information for the passengers—what to look for, if they see any type of suspicious activity, or suspicious individuals, to please report it. They report it to the conductor or there is a toll-free number on that brochure. That was back in 2005.

We allowed a couple of years to go by. In 2007 we said, "You know what? It's time to do something a little bit different. Kind of refresh the passengers' memories and not to let the passengers put their guards down." So we came up with a small card, the size of a business card, and on that card is information to reinforce the message to the passengers to alert keep and stay vigilant.

On our system, our passengers are very territorial. I think earlier we heard someone indicate that they get on *that* car, every single time. They sit in the same seats, and sometimes they travel in groups. It's the same thing with our passengers. If they see someone new next to them, first of all, they give them the dirty eye, beause that's somebody's seat, which is good. You develop that friendship, that bond, and when they see new passengers, they keep an eye on 'em. So that's always good.

Well, it's also critical to train our front-line employees on system security. So what we did, we looked into having NTI assist us with training our front-line employees and contractors. There is a great training tool that they have: The "System Security Awareness" training. We talked about "train-the-trainer" course. So we grabbed the core group of individuals, and we trained them through the "train-the-trainers" course and after that, we trained over 700 of our front-line employees.

At Metrolink, we have a contract with the Los Angeles County Sheriff's Department. They are responsible for the safety of our passengers, employees and the security of our equipment and right-of-way. In early 2007, the sheriffs department looked into what New York was doing with the baggage searches, and it's something that they went out to and obtained as much information as possible. They brought it back home and asked if we

wanted to implement the random searches. And our CEO, David Solow, is very supportive of any new type of safety or security campaigns.

This is how we initiated the random baggage-search program. In June of 2008, which is exactly a year ago, we started a pilot program. Because we weren't quite sure how it was going to work out, we had a line with specific signs—"This is only a drill or test. If you wish to participate in the random search, stay on this line. If you don't wish to participate, here's a second line. Just go straight to the train."

We did start with the stations that had a manageable number of passengers, just because we wanted to get a good feel of how the program was going to work. I can tell you, we didn't tackle Union Station right off the bat because that's a beast. We do have a list of all the stations, and we estimate how many passengers travel through those stations daily, and that's how we're able to determine our random number.

It is very important that we stick to that number. I think a lot of us expressed some concerns earlier today.

Who participates? Well, we have participation from a number of entities. We have, of course, the MetroLink Sheriffs. They're the ones that have control of the search. However, we do have a very good relationship with TSA. We have two inspectors assigned to the MetroLink system. We are in constant communication. We talk at least two times a week. We've asked our inspectors to provide the following individuals to assist with the random-search program: the FAMs, the federal air marshals, the behavior detection officers, and also the screeners at the airport. So we always get good participation from TSA.

In addition to TSA and the other entities I mentioned, we are in the process of training the local authorities. So when we decided to search at a station, we invite the local authorities to come out and work with us. The local authorities have an opportunity to get familiar with the Metrolink system. In case there is an incident, we would like to call them up, pick up the phone, and say, "Hey, can you help us out?" We can't be at every location at the same time. So that is our goal.

Now, one of the very key components of this program is training. Before we allow them to be on our system, we have actually set up a class. We call it ""Railroad 101," a two-and-a-half-hour course which is discussing how to be safe around the train, tracks, and stations

If the passenger happens to be chosen because of particular number we decided for that day, they will be searched. If the dog alerts on a bag, then we will find out who this individual is. The deputies will do their job—determine if they have a permit to carry that weapon, and if they check out, then they let them go.

Here are more team members—The one on the left is Amor. The one in the middle is Debra. And Tom. He's out of control. I swear, they feed 'em sugar for lunch, because he's all over the place. He's a great dog, though.

So this is how we got started with the random baggage-search program. In June of 2008, which is exactly a year ago, we started a pilot program where we had two different lines. Because we weren't quite sure how it was going to work out, we had a line with specific signs—"This is only a drill or test. If you wish to participate, stay on this line. If you don't wish to participate, here's a second line. Just go straight to the train."

Well, what happened on your first day we have this exercise? Some knucklehead, he sees the sign—he stayed on the participating line and so we opened up his bag, and he had drugs in there. So it's one of those things. We do have to take action even though we are not looking for drugs. We are looking for explosive devices or anything that can harm our passengers or our equipment.

We did take the stations that had the least number of passengers, just because we wanted to get a good feel of how the program was going to work. I can tell you, we didn't tackle Union Station right off the bat, because that's a beast. We do have a list of all the stations, and we estimate how many passengers travel through those stations daily, and that's how we're able to determine our random number.

Earlier, most of the panelists were talking about that random number. That number is assigned by our unit commander or the sergeant in charge of the operation the morning of. So when we get together at the briefing, that sergeant or that unit commander comes up with that number. We look at the number of passengers at that station, and we come up with a number three, a five, or a ten. It depends on the volume of passengers. It is very important that we stick to that number. I think a lot of us expressed some concerns earlier today.

BRIAN JENKINS

Can I just clarify that? On the TSA participation, they assign some Federal Air Marshals and TSA screeners to participate with you in this process?

JESUS OJEDA

Yes. Every baggage search.

BRIAN JENKINS

That's out of their budget?

JESUS OJEDA

Correct.

BRIAN JENKINS

You're not compensating them?

JESUS OJEDA

It depends on where we are. Remember, we cover six Southern California Counties, so if we're in Orange County, we'll get the FAMs from Orange County, or the John Wayne Airport screeners, or Ontario or LAX. So we get 'em from all over the place.

Now one of the very key components of this is training, cross-training. Before we allow them to be on our system, we have actually set up a class. We call it "Railroad 101," where we actually go to them at the airports, or wherever they are, and we give 'em this

two-and-a-half-hour course. Basically, we get into issues of how to be safe around the train—the train, the tracks, and what-have-you.

Another benefit of having TSA team up with us is that they have been able to send a few of our people to some of their training classes, such as the behavior detection classes, and that's been great for us. We have some of our detectives, including myself. I've gone through one of those classes, and it's a really good team effort that we have going on.

Once we select the number in the morning—as you can see in some of the pictures, the passengers are being pulled to the side. Even though not every bag gets searched, what we do is we have the K-9 or K-9s, sometimes two, standing right at the checkpoint. So even if I walk around and it's not my number, I still have to walk through these dogs, and I get checked, whether I know it or not. So it does work out where the dogs are sniffing the bags as they're going through.

UNNAMED PARTICIPANT

How do you deal with people that have concealed-weapons permits? It could be an undercover cop. Could be a courier that's carrying diamonds.

JESUS OJEDA

If the dog gets a hit, then we will find out who this individual is.The deputies will do their job. Find out if they have a permit to carry that weapon, and if they check out, then they let 'em go. In most cases, if you're not in law enforcement (we ask that)—actually, you can carry a weapon on the train. However, they have to be separated from each other, the weapons and the ammunition, in two different cases, and they have to be locked.

UNNAMED PARTICIPANT

And California is not amenable to CC weapons. There are very few jurisdictions or counties in the State of California that really want to issue CC weapons. So really what you find, particularly with the problem in downtown Los Angeles, particularly Union Station—

UNNAMED PARTICIPANT

But it's like somebody who has a "carry concealed weapon" permit, and he's a civilian. We have a few counties and sheriffs that will issue permits to particular buddies, friends, or even precious metals vendors or jewelers, to carry a concealed weapon because of the nature of their job. But they're very rare. What happens into a metropolitan area like downtown, is right in the station, you have LAPD headquarters. You have the Federal Building. You have the LA County Sheriff's Transit Services Bureau right at Union Station, and every state and regulatory agency is allowed to carry a gun, so it can be quite challenging in Union Station.

JESUS OJEDA

If it's law enforcement, we encourage them to ride our trains. As a matter of fact, law enforcement can ride our trains for free as long as they are prepared to act in case of an emergency.

UNNAMED PARTICIPANT

If you are training a dog to sniff bags, and you're training the dogs to clear a cleared area, it's very different to train a dog to detect explosive trace except in the presence of a main vapor-wake. They're all different applications.

RON MASCIANA

You're right. I agree with this. You have to look at it from his perspective. We bring the ATF in to test our folks. We do trace, but we also want to make sure that the dogs are lively most of the time. We won't use a dog in that application. I'll just let you know that, because there can be confusion. I mean if the instrumentality says "yes," and the dog says, "no," and vice-versa, now you've put yourself into that other catch 22. Forget legal challenges, because you're gonna act. "I've been hit!" Or the lack of hit.

SAM LOTT

Well, the question was brought up, or a statement was brought up, that said that these dogs—when these dogs go bad, they go bad fast. I've never had any visibility on that. Can you expand on that just a little bit?

BRUCE BUTTERWORTH

The dog stops working sometimes after 25, 30 minutes. In order to keep its handler happy, it will pretend to alert. It will start keying in on the handler. The dog is smarter than you think. The dog is watching their handler.

So now comes the test. The handler knows the test is coming. And the handler starts giving body language that says, "Okay. You're going to hit on this bag." The dog isn't reading the explosive. The dog is reading the handler. When the guy comes through, the dog sits. "Good dog!"

JESUS OJEDA

And you're absolutely right. I think they have the 20 to 25 minute really solid work that the dogs can put into the screening.

After that, you've got to take him out and bring the other dog in, and that's what we do. We rotate the dogs. The ones that have been working, we'll send them out to give 'em a break.

PAUL MACMILLAN

I'm just going to be very honest about it. APTA is an excellent group to do standards; however, this is a special dog. And, to be honest with you, you've got organizations like ATF, who are better suited to develop the standards in cooperation with TSA than an organization that really doesn't have that level of expertise.

JESUS OJEDA

Well, we've had an issue brought up in this particular slide. I was at one of these screenings. Once the train pulls into the station, we hold the train. We have each dog board different passenger cars. Our trains consist anywhere from three to six cars, so the dogs board the train. They search the lower level, the upper level, and, in one incident, we had a dog that had a hit, and the deputies weren't quite sure because the dog hesitated a bit, maybe he was tired, or I'm not sure what the case was. So in that case, we brought a second dog in, and the second dog did the hit. But we still talked to the individual, or the sheriffs talked to the individual, and it ended up being that I think someone talked about makeup and hand sanitizers. Those are scents that the dogs pick up.

PAUL MACMILLAN

The TATPs, triacetone and triphosphate, has become a big issue here to train the dogs in it, obviously, and that's been some of the hits that we've experienced, even with the technology. There's nitrates and musk. There's acetone and Skin so Soft, so that's been the issue so far.

JESUS OJEDA

Right. So we ended up talking to the passenger and she was very cooperative. Opened up the bag and, as a matter of fact, she was having a good time petting the dog. There was nothing there.

All right. Next slide. We do have signage at the stations. These signs are pretty big-size signs that tell passengers what they're comin' up to, whether it's the search. We also have the definition of what is considered to be a "bag" or a briefcase, a purse, anything where someone can conceal some type of explosive device. Yes?

GEORGE LONG

Taking into account the diversity of the Los Angeles area, especially across the different regions of the LA area, is there a standard program for how to hang the signage in different languages?

JESUS OJEDA

We talked about that, and then where do you stop? You have English and then you have Spanish. You have Vietnamese, Chinese.

At this point, we only have signs in English.

That issue, I was going to toss around, having signs in Spanish, but we haven't got to that point.

In conclusion, we have positive feedback from passengers. I would say 99.9 percent of the passengers are very happy. We've had two complaints. However, these are not formal complaints. These are people that were just complaining to the deputies at the site, but up to now, we have not received a formal complaint from anyone.

Over 90 percent of the passengers are very excited. "Thank you for doing this." "Thank you for keeping us safe."

It's a long time coming.

Nothing but great comments from the passengers. In terms of our passenger-education campaign, we have received several calls from passengers saying that they saw somebody on the train with a weapon, and then it happens to be an off-duty police officer. They call in, they call that number, and it goes directly into our operations center. We dispatch the deputies. We stop the train at the next station, check the guy out, and if he's clean, then we continue with the operation.

UNNAMED PARTICIPANT

I hadn't thought about the unique advantage of having a train system where everyone tends to grab the same seat, and save the seat. I mean that's unbelievable.

PAUL MACMILLAN

Commuter rail is a completely different animal than other rapid transit.

Our commuter rail, if someone's in the wrong seat, man, that's—

RON MASCIANA

Oh, yeah. You'll get the seat, yeah.

You can catch 'em playing poker together. They're watching the same movie or DVD. It's more like a party.

JESUS OJEDA

They have parties on the train.

UNNAMED PARTICIPANT

Bring their own food. It's a moving neighborhood.

UNNAMED PARTICIPANT

I was just recalling from personal experience, I used to ride the system, and amid the ship, what I call the high-level part, and to admit that I used to sit with about six people, and it was always pretty much the same people. And then, maybe Thursday, you tell 'em, "I'm off tomorrow. So I'll see you all on Monday," because, for the most part, if you work a

schedule, you meet at a certain time, and you're going to hop on at a certain time. People are creatures of habit, and I found, when I got to know these people, and there was actually a few cases when we got together outside work, and, we'd go to a movie or something like that. It becomes this little community on wheels.

JESUS OJEDA

Well, we've had weddings come out of there, too.

PAUL MACMILLAN

We had a wedding on our commuter rail train about a month ago. They got married on the train.

JESUS OJEDA

We've had that, too.

PAUL MACMILLAN

Yeah, because they met on the train.

JESUS OJEDA

It's definitely more of a community. They come together, and they could spot a new person, a new passenger, or an outsider, that doesn't get along with their group.

We've got of calls or complaints to the conductor saying that this guy's getting up, going to the bathroom, leaving his stuff behind. So it's working. We're doing something right there.

Thank you very much for the opportunity to speak here today.

BRIAN JENKINS

Thank you very much for the excellent presentation.

QUESTIONS AND ANSWERS

BRIAN JENKINS

This was a very valuable day for all of us. These are the serious people talking about this particular issue. We really will have an impact with the record of today's discussion, and the report, where we will capture all of this, and that will be issued. Donna, do you have something?

DONNA MAURILLO

I just wanted to emphasize that these proceedings are put down in the record, and then uploaded on MTI's Web site, and then we promote that publication with press releases throughout the country.

BRIAN JENKINS

What kind of hits do we get?

DONNA MAURILLO

We track which documents are downloaded, and very often we get hundreds of downloads for a particular document. So we do know that the information that you give out here actually is getting into the hands of people who may not have been able to attend the conference at all.

BRIAN JENKINS

We do have a tremendous number of downloads on some of our studies, so an edited transcript of this workshop will be available, and it's been extremely, extremely valuable.

Now some of you have transparent programs, and put it out there, that is terrific; and, in some cases where there are Web sites or things on YouTube or whatever. But we will put out a carefully-vetted but nonetheless a record that captures the essence of what we had here today, and apart from downloads, it will automatically go to a number of offices in the Department of Transportation. It goes to a number of places on the Hill. And so it does get the readership. Any other comments or questions? Yeah, go ahead.

RON MASCIANA

Brian, I thought this workshop was excellent and even though the topic may have been random or selective screening, it's the different approaches, the different ideas of how people implement them. At the end, a paradigm comes out, you know, standards for the development of K-9 explosive teams. Things like that.

And I'm certain that throughout the process of reviewing the material today, there will be other, you know, futuristic-type actions that need to be taken. So I'm thrilled to be here, and I thank you very much. I mean that.

BRIAN JENKINS

Thank you. And, by the way, on the issue of the dogs, we weren't beating up on you, Jesus.

JESUS OJEDA

Oh, no.

BRIAN JENKINS

We had this dog issue in our mind. This is an issue, and we came across it in the course of the research as an issue; but just given the amount of time this morning—in fact, I skipped some of the slides that had this whole dog issue, and so it is an issue.

And it's something we've got to figure out, because there is no question that the use of dogs is a great idea, that we're using them in a variety of ways. There are issues of training, standards, reactions, testing, and all of that, and that's something, if we're going to defend these systems, and if we're going to defend interventions based upon those reactions—

JESUS OJEDA

It's got to be right.

BRIAN JENKINS

It's got to be right. We can't get blown out of the water by the bad guys, either, because we make a mistake on a false negative, which would be worse, or we screw up, and we get blown out of a court room.

BRUCE BUTTERWORTH

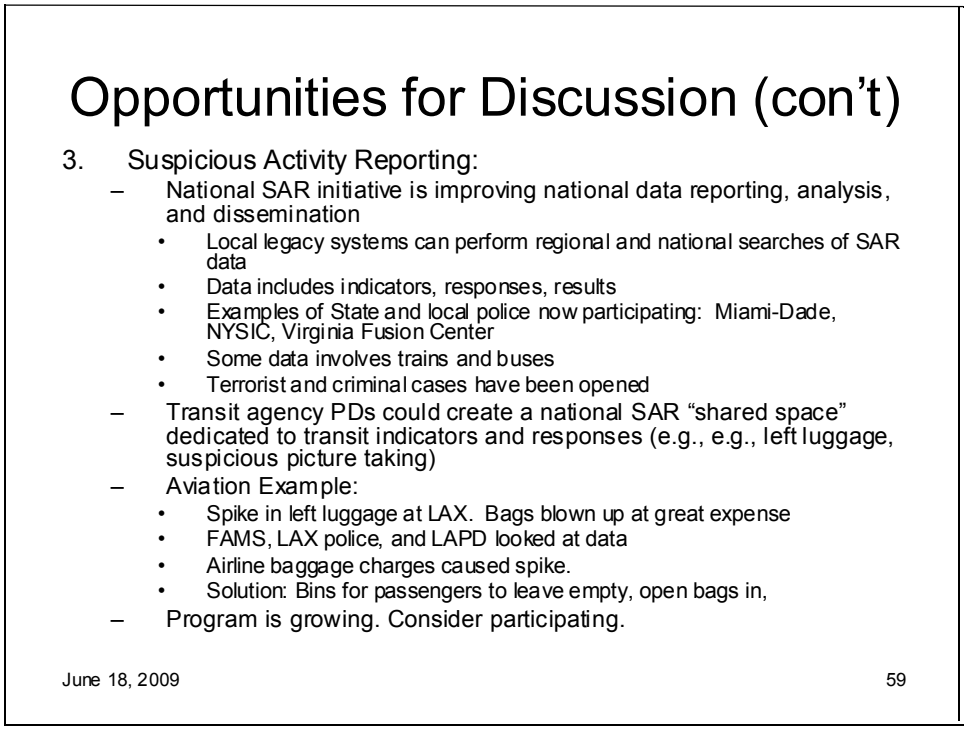
One thing about the last slide, on Suspicious Activity Reporting, or SAR. You're going to get one other potential opportunity to express an interest in the National SAR Program of DHS. Police started with legacy systems and now they can use them in a shared DHS SAR space. DHS has collected some specific suspicious activities reported, responses and results as well. I know this is DHS's program but it would be very interesting to have Transit police create their own part of SAR. That's in the last slide we provided.

BRIAN JENKINS

Yes, that's another issue, in terms of exploiting suspicious-activity reporting on this, and we've had some successes on that.

JESUS OJEDA

A point of clarification. Is that the local SAR reporting?



UNNAMED PARTICIPANT

Yeah, but what it allows you to do is in the most case, we will look at SAR as they already do, for the local transit, the local police. This is a legacy system, and to place into the national space, properly sanitized SAR, which are available then for all the transit operators. And what that allows is for you or DHS or anyone else to start moving trains.

JESUS OJEDA

Well, some transit operators just check in on security.

BRUCE BUTTERWORTH

Right. Some of them may not be able to interface. All I'm saying is that whether it's MTA or NYPD, DHS is very interested in having the mass transit community start to place SAR information in the national space, so that everyone can start looking at it.

RON MASCIANA

How is that integrated with the current reporting requirements of the 1580? The 1580 of TSA requires that you're to report all suspicious activity to their TSOC (Transportation Security Operations Center).

BRUCE BUTTERWORTH

I know what the TSOC does, and I don't know how it is going to be integrated with the SAR program. But I would say they're separate, because of the name.

UNNAMED PARTICIPANT

The 1580 reports are currently omitted, because they're talking about the rail security rule that TSA passed late last year.

UNNAMED PARTICIPANT

This summer.

BRUCE BUTTERWORTH

Right. So people are still working on it, and it's currently limited to a communication from an agency to TSA; it's not so much assimilated throughout industry.

RON MASCIANA

Well, it does.

UNNAMED PARTICIPANT

It does. It comes right back.

RON MASCIANA

You get the emails from TSA.

UNNAMED PARTICIPANT

Right. It's Tisdale's stuff.

RON MASCIANA

Right, exactly.

BRUCE BUTTERWORTH

It's a potential duplicative reporting that needs to get resolved. I'm going to bring that up with the SAR program manager.

RON MASCIANA

No. It may be deployed to where that integration gives you the more global view, which is what I was hoping to drive at, and that's to keep it segmented, because it only helps us when we start developing patterns and trends, to do the analysis.

GREG HULL

But keep in mind that TSA also has a transportation sector-wide daily report that they put out, and I think part of the problem that I'm having with TSA and DSH and all those other agencies, is you get so much information that you have to know what is important, what is actionable. There's a discernment you have to go through, and it's a very difficult thing to do unless you really have the time and personnel, never mind, on top of the international role.

UNNAMED PARTICIPANT

Then what's the content? What's the context as it relates to your industry, you know? Because it's so what, this happened. So what? Maybe it's huge and you miss it, but you don't have the content.

BRIAN JENKINS

Well, one of the objectives on this, apart from sorting out how this goes, is that if you observe, and it's suspicious activity, this peculiar activity, whatever that is, that you will be able to come into the systems, as I understand it, and say, "Okay. Any other systems, do we have any history of this elsewhere? Where we see this same set of circumstances going on?"

UNNAMED PARTICIPANT

Exactly.

BRIAN JENKINS

What do we make of that? I mean, you know, "Is the circus in town?"

RON MASCIANA

Well, you're absolutely correct. About 14 months ago, we had a scenario where, on two separate days, empty briefcases were left in New York City. Well, guess what happened on Monday? Three suitcases at the base of the Brooklyn Bridge.

BRUCE BUTTERWORTH

Right. So you're doing it locally already.

RON MASCIANA

Yeah, but I think that the people in California are experiencing something similar. And they don't know what is going on in New York, and New York doesn't know what is happening in California. Maybe we need to identify the pattern and see where it all ties in.

BRUCE BUTTERWORTH

And the SAR program manager very much wants it, to see that the transit community does this at a national level.

RON MASCIANA

What's he done? What's he done toward that end?

BRUCE BUTTERWORTH

He's just starting to try and get people involved.

GREG HULL

He's talking to the ISAC and talking to us.

UNNAMED PARTICIPANT

He needs to talk to Paul Lennon and get the peer-advisory group involved.

BRIAN JENKINS

By the way, on that point, we can also get some historical case-study data in there, as well, because of what you just mentioned. We know now, looking back, at the run-up to the 2006 Mumbai bombing attacks, there was increase in number of left suitcases just filled with old clothes that were found left on the carriages. What is clear, in retrospect, is they were testing the system. They were checking the system. If we had that kind of historical stuff in there, people could say, "Well, wait a minute. This was an indicator of a dry run," or something like that. Data like that would be really valuable.

UNNAMED PARTICIPANT

That's the difference between information and intelligence.

RON MASCIANA

The biggest injury factor of people over 40 is ego. You can control that. It doesn't matter who has the better mousetrap. Let's just find out what the better mousetrap is. You don't want people to be parochial, because you tend to lose the intelligence. But you're absolutely right. It defines information and Intel.

BRIAN JENKINS

I want to thank all of our panelists for coming and joining us here in Chicago. I appreciate your taking time out of your schedules and participating in this workshop.

As one of the authors of this forthcoming report, I can tell you that, in addition to allowing us the privilege of looking at your operations, a lot of the comments made here, and questions raised, are going to affect our forthcoming study about rail passenger selective

screening. That is really an enormous help for all of us in this. Make sure you download copies of the report from www.transweb.mti.sjsu.edu, and, with that, thank you very much, and safe journeys back home.

ABBREVIATIONS AND ACRONYMS

AG	Attorney General
APD	Amtrak Police Department
APTA	American Public Transportation Association
ATF	Alcohol, Tobacco & Firearms
BDO	Behavior Detection Officers
BTD	Business Travel Department
CCTV	Closed Circuit Television
CFR	Code of Federal Regulations
CNN	Cable News Network
CTA	Chicago Transit Authority
DHS	Department of Homeland Security
DNC	Democratic National Convention
EDU	Explosive Detection Unit
EDT	Explosive Trace Detection
FAM	Federal Air Marshals
FIO	Field Interview and Observation
FTA	Federal Transit Administration
IC	Intelligence Community
IED	Improvised Explosive Device
IRA	Irish Republican Army
ISAC	Information-Sharing Analysis Center
GATO	Global Air Traffic Operations
JTPS	Joint Practical Planning System
JTTF	Joint Terrorism Task Force
MASS	Multi-agency Super Surge
MBTA	Massachusetts Bay Transportation Authority
MTA	Metropolitan Transportation Authority
MTI	Mineta Transportation Institute
MTU	Mobile Team Unit
NSA	National Security Agency
NTI	National Transit Institute
NTSCOE	National Transportation Security Center of Excellence
OSHA	Occupational Safety and Health Administration
OMB	Office of Management and Budget
PATH	Port Authority of New York
SAR	Suspicious Action Report
SME	Subject Matter Experts
S & T	Science and Technology
STSI	Surface Transportation Security Inspector
TATPs	Triacetone and Triphosphate
TSA	Transportation Security Administration
TSI	Transportation Safety Institute
TSSP	Transit, Safety and Security Program

SPEAKER BIOS

Keynote Speaker John P. Sammon
Assistant Administrator for Transportation Sector Network Management
Transportation Security Administration

As the assistant administrator for Transportation Sector Network Management, John P. Sammon leads a unified effort to protect and secure, through public-private networks, our nation's intermodal transportation systems, including aviation, rail, transit, maritime, cargo, highway and energy pipelines.

Mr. Sammon brings more than 25 years of transportation experience to his position, including management of customer networks for railroads, motor carriers, ocean carriers, petrochemical manufacturers, and ports and other public agencies.Most recently, Mr. Sammon was the principal partner in a software venture, e-Carload. Before that, he spent many years in the railroad industry, working for both Conrail and CSX. As senior vice president at CSX he was responsible for a $3.5 billion industrial products business unit with a staff of 500. Mr. Sammon has extensive experience with business development, operations and managing change.

Mr. Sammon has a Bachelor of Science in economics from Bucknell University and a Masters of Science in economics from Texas A&M University.

Moderator Brian Michael Jenkins
Director, Mineta Transportation Institute's National Transportation Security Center of Excellence

As one of the world's leading authorities on terrorism and sophisticated crime, Brian Michael Jenkins works with government agencies, international organizations and multinational corporations. He is the director of the National Transportation Security Center of Excellence at the congressionally-created Mineta Transportation Institute, which he has guided since 1998. He is also a senior advisor to the president of RAND. From 1989-1998, Mr. Jenkins was deputy chairman of Kroll Associates, an international investigative and consulting firm. Before that, he was chairman of RAND's Political Science Department where, from 1972–1989, he also directed RAND's research on political violence.

Mr. Jenkins has a B.A. in fine arts and a masters degree in history, both from UCLA. He studied at the University of Guanajuato, Mexico and in the Department of Humanities at the University of San Carlos, Guatemala where he was a Fulbright Fellow and received a second fellowship from the Organization of American States.

Commissioned in the infantry at the age of 19, Mr. Jenkins became a paratrooper and ultimately a captain in the Green Berets. He is a decorated combat veteran having served in the Seventh Special Forces Group in the Dominican Republic during the American intervention, and later as a member of the Fifth Special Forces Group in Vietnam (1966–1967). He returned to Vietnam on a special assignment in 1968 to serve as a member of the Long Range Planning Task Group; he remained with the Group until the end of 1969, receiving the Department of the Army's highest award for his service. Mr. Jenkins returned to Vietnam on third special assignment in 1971.

In 1983, Mr. Jenkins served as an advisor to the Long Commission, convened to examine the circumstances and response to the bombing of the U.S. Marine Barracks in Lebanon. In 1984, he assisted the Inman Panel in examining the security of American diplomatic facilities abroad. In 1985–1986, he served as a member of the Committee of the Embassy of the Future, which established new guidelines for the construction of U.S. diplomatic posts. In 1989, Mr. Jenkins served as an advisor to the national commission established to review terrorist threats following the bombing of PanAm 103. In 1993, Mr. Jenkins served as a member of the team contracted by the New Jersey-New York Port Authority to review threats and develop new security measures for the World Trade Center following the February bombing.

In 1996, President Clinton appointed Mr. Jenkins to be a member of the White House Commission on Aviation Safety and Security. From 1999–2000, he served as an advisor to the National Commission on Terrorism and since 2000, he has served as a member of the U.S. Comptroller General's Advisory Board. Mr. Jenkins also is the Director of the National Transportation Security Center at the Mineta Transportation Institute, and since 1997 has directed the institute's continuing research on protecting surface transportation against terrorist attacks.

Mr. Jenkins serves as a Special Advisor to the International Chamber of Commerce and a member of the advisory board of the ICC's investigative arm, the Commercial Crime Services. Over the years, Mr. Jenkins also has served as a consultant to or carried out assignments for a number of government agencies including the Department of Homeland Security. As part of its international project to create a global strategy to combat terrorism, the Club of Madrid in 2004 appointed Mr. Jenkins to lead the international working group on the role of intelligence.

Mr. Jenkins is the author of *International Terrorism: A New Mode of Conflict*, the editor and co-author of *Terrorism and Personal Protection*, co-editor and co-author of *Aviation Terrorism and Security,* and a co-author of *The Fall of South Vietnam*. His latest books are *Unconquerable Nation: Knowing Our Enemy, Strengthening Ourselves* and *Will Terrorists Go Nuclear?* He is also the author of numerous articles, book chapters, and published research reports on conflict and crime.

Bruce R. Butterworth
Transportation Security Consultant, Research Associate
Mineta Transportation Institute's National Transportation Security Center of Excellence

Bruce Butterworth has had a distinguished government career working at congressional, senior policy and operational levels. From 1975–1980, as a professional staff member for the House Government Operations Committee, he ran investigations and hearings on many transportation safety issues, particularly in aviation. He spent 11 years in the Department of Transportation, eight of them in the Office of the Secretary. He managed negotiations on air and maritime services in the GATT (now WTO), chaired US delegations to United Nations Committees, dealt with transport and aviation issues related to border inspections, and was part of the response to Pan Am 103. Mr. Butterworth held two executive posts in aviation security and in both worked closely with Congress as the informal but primary liaison. He was Director of Policy and Planning (l991–1995), establishing strategic, long-term and contingency plans, and federal rules.

As Director of Operations (l995–2000) he was responsible for federal air marshals, hijacking response, and 900 field agents; he worked hard to improve security and the performance of security measures by U.S. airports here and by U.S. airlines everywhere. He ran the FAA's aviation command center successfully managing the resolution of hijackings and security emergencies. He launched a successful program of dangerous goods regulation and cargo security after the 1995 ValuJet crash, oversaw the conversion of the air marshal program to a full-time program with high standards, was a key player in the response to the ValuJet and TWA 800 accidents, and was a frequent media spokesperson. He worked closely with the Congress, the National Security Council staff, the intelligence community, law enforcement agencies, and authorities of other nations.

He was an associate director at the United States Holocaust Memorial Museum (2000–2003), responsible for security and building operations. He designed and implemented a “best practice” procedure to deal with mail possibly containing anthrax powder; and developed and conducted new, comprehensive emergency planning and exercises. Between January 2003 and September 2007, he was one of two Deputy Directors in a 1,300 person Engineering Directorate at NASA’s Goddard Space Flight Center, managing workforce planning, budgeting, and human capital management for complex robotics space missions, substantially reducing overhead and improving workplace safety there. Besides having helped DHS in information sharing, he is a research associate with the Mineta Transportation Institute. He has produced a peer-reviewed report on the security risks created by the highway transportation of hazardous materials for the State of California, and is updating prior work on selective screening practices in the rail environment for DHS, along with Brian Michael Jenkins.

He co-authored, along with Mr. Jenkins, *Selective Screening of Rail Passengers* (MTI Report 06-07), a monograph entitled published by the Mineta Transportation Institute in February 2007. He also co-authored *Keeping Bombs off Planes: Securing Air Cargo*, *Aviation's Soft Underbelly*, a May 2007 study with PJ Crowley, Senior Fellow and Director of Homeland Security at the Center for American Progress. In February 2009 he published with Mr. Jenkins “A campaign the Secretary must win,” an opinion piece on information-sharing.

Mr. Butterworth was awarded a Master of Science degree from the London School of Economics in 1974 and a Bachelor of Arts degree from the University of the Pacific in 1972. He was a California State Scholar and a Rotary Foundation Fellow. He received numerous special achievement and performance awards.

Paul MacMillan
Chief of Police
Massachusetts Bay Transportation Authority Transit Police Department
Boston, Massachusetts

Paul MacMillan is Chief of the Massachusetts Bay Transportation Authority (MBTA) Transit Police Department in Boston. He has earned more than 26 years of experience in transit policing and is the first chief to rise through the ranks to this position.

The MBTA, the transit authority for greater Boston, is the fifth largest transit system in the country and carries more than 1.2 million passengers each day. It has been conducting random security inspections of passengers since October 2007. Chief MacMillan will discuss the process, provide copies of the MBTA's policy, and discuss the MBTA's experience with random security inspections.

Ronald J. Masciana
Deputy Chief of Police
Metropolitan Transit Authority, New York, New York

In January 1984, Ronald J. Masciana joined the Metropolitan Transportation Authority's Police Department. In the 25 years since, he has risen through the department, holding various supervisory and command positions until his current position as the Deputy Chief of Police assigned to the Office of Security.

Deputy Chief Masciana has spearheaded the design and development of a counter terrorism prevention and response program to address personnel and infrastructure

security requirements. Working with transportation agency partners, he coordinated the development and implementation of the Security Threat Alert Protocols that coincides with the U.S. Homeland Security Colored Alert System.

He also implemented the MTA Office of Security's permanent and pilot programs for chemical, biological, radiological, nuclear and explosive detection and mitigation as well as laser detection. He established the MTA's first Blue Ribbon Panel of Experts in support of these initiatives.

During his tenure, Deputy Chief Masciana coordinated and implemented emergency management planning and disaster recovery programs in conjunction with the Federal Law Enforcement Training Center, N.Y.C. Police Department Counter Terrorism Unit, U.S. Department Homeland Security, U. S. Department of Transportation, and other federal agencies. Collaborating with rail/subway/bus operating agencies, he developed the MTA's threat vulnerability and risk assessments, establishing a unified methodology for identifying and prioritizing counter-terrorism infrastructure mitigation efforts.

Deputy Chief Masciana is a graduate from the FBI National Academy and holds a Bachelor of Science Degree from Dowling College.

He is a member of the American Public Transportation Association, co-chair of the American National Security Institute–Homeland Security Standards Panel and the U.S. Department of Homeland Security's Transportation Sector Review Panel. He is affiliated with the Transit Cooperative Research Group, the American Public Transportation Association, International Association of Chiefs of Police, FBI-National Academy Associates, and the American Society of Industrial Security.

Jesus Ojeda
Security Coordinator
Southern California Regional Rail Authority, Operators of Metrolink

As the Security Coordinator for Metrolink, Jesus Ojeda is responsible for the security of employees, passengers and the system. He works closely with security personnel and law enforcement to protect the agency's assets and critical infrastructures.

Mr. Ojeda has more than 12 years of commuter railroad experience, including five years of transit experience with the Los Angeles County Metropolitan Transportation Authority. Mr. Ojeda is also a member of the Surface Transportation Security Committee, composed of local, state and federal law enforcement branches.

Ed Phillips
Operations Deputy
Office of Security, Amtrak

Mr. Ed Phillips is the operations deputy for Amtrak's Office of Security. He designed and oversees Amtrak's random passenger screening process, as well as all corporate counter-terrorism activities. He authored the security strategy Amtrak practices today, which follows a risk-based, holistic remediation paradigm. He is a key player in Amtrak's federal transportation security grant program project prioritization and implementation.

Mr. Phillips has 35 years of military and civilian counter-terrorism experience, including service with Army Special Forces, and in government and private industry.

Dave Schlesinger
Course Manager
Transportation Safety Institute, Oklahoma City, Oklahoma

Dave Schlesinger is a Course Manager with the Transportation Safety Institute. He manages courses that include Transit Rail Incident Investigation, Advanced Rail Incident Investigation, Transit Rail System Safety, Transit Rail Safety and Security Audit, Effectively Managing Transit Emergencies, Safety Evaluations of Alternative Fuels, Facilities and Equipment, and Alternative Fuel Cylinder Inspection. In addition, Mr. Schlesinger is a scheduled presenter at conferences for organizations including the American Public Transportation Association (APTA), The Mineta Transportation Institute (MTI), and the South West Transit Association (SWTA).

In 2008, Mr. Schlesinger received the U.S. Department of Transportation Secretarial War on Terrorism Medal and, as part of the Transit Safety and Security Division, the DOT Secretarial Team Award.

Mr. Schlesinger graduated from the University of Southern California and first worked in rail for Ansaldo Breda, managing the acceptance of the Metro Red Line heavy rail vehicles. On this project, which realized the on-time delivery of 74 new trains, he was responsible for acceptance, quality, safety, and training.

LA Metro's Quality Assurance Rail department then hired him to investigate rail and industrial incidents and to ensure that new rail vehicles were in compliance with safety guidelines, agency specifications, and applicable regulations. This included service as QA Project Manager, reporting directly to Metro's CEO, for the procurement of 52 light rail vehicles. He also worked on a number of special projects, such as diesel fuel use underground, rail vehicle component reverse engineering, and modifications and safety certification of hi-rail inspection vehicles.

From QA, he moved to Metro's fleet services department, where he oversaw the maintenance of revenue vehicles, safety, adherence to OSHA regulations, hazardous material management, emergency preparedness, and incident response and investigation. He was also responsible for ensuring compliance with Metro's System Safety Program Plan (SSPP), including participating in internal and external safety and security audits.

Mr. Schlesinger also has significant volunteer experience as the Second in Command for the City of LA, Crisis Response Team. He led more than 100 intervention specialists who responded to incidents involving death, serious injury or a violent crime. He was responsible for training, call out, and managing the group, including moving staff on scene within 30 minutes for an average of 50 incidents a month.

As a responder, he has worked incidents and/or helped debrief with as many as 25 fatalities and more than 100 injuries. He has responded to more than 75 call outs, managed teams at more than 500 call outs, and led the team's participation in disaster drills, including those for the rail systems and LAX airport. He participated in emergency preparedness conferences and trainings and has helped create city-wide emergency response plans. In 2004, he received the City of Los Angeles Volunteer of the Year award, which included recognition by President George W. Bush.

As a Toastmaster, in the public speaking organization of the same name, he has received numerous awards at major regional speech competitions, both in California and Oklahoma.

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