



# Homeland Security

October 31, 2006

The Honorable Scott J. Bloch  
Special Counsel  
Office of Special Counsel  
1730 M Street, N.W., Suite 300  
Washington, D.C. 20036-4505

Re: Special Counsel File Nos. DI-06-1236; DI-06-1237; DI-06-1253;  
DI-06-1272; DI-06-1273; and, DI-06-1286

Dear Mr. Bloch:

In response to your April 21, 2006 letter concerning allegations of misconduct at the Sanford International Airport, Sanford, Florida, please find attached a report completed by the U.S. Customs and Border Protection, Office of Internal Affairs. This report is submitted in accordance with 5 U.S.C. § 1213(d). In addition, per agreement between Karen Gorman of your Disclosure Branch staff, the Department of Homeland Security (DHS) was granted an extension in which to file this report until October 25, 2006.

In accordance with 5 U.S.C. § 1213(d), Secretary Chertoff has designated me to respond to your additional questions.

Should you have any further inquiries, please do not hesitate to contact my office or Julie A. Dunne in the DHS Office of the General Counsel at (202) 282-9180.

Sincerely,

A handwritten signature in black ink that reads "Michael Jackson". The signature is written in a cursive style.

Michael Jackson

Enclosure

OSC FILE Numbers: DI-06-1236; DI-06-1237; DI-06-1253;  
DI-06-1272; DI-06-1273; and, DI-06-1286

## 1. SUMMARY OF THE INFORMATION ON WHICH THE INVESTIGATION WAS INITIATED

Customs and Border Protection (CBP) Agricultural Specialists Selma Ocasio, Jose Vazquez-Quinones, William Errico, and three other anonymous Agriculture Specialists individually forwarded letters of complaint to the United States Office of Special Counsel (OSC). The complainants alleged that during the summer of 2005, CBP employees assigned to the Sanford International Airport, Sanford, Florida Port of Entry (POE) were instructed by CBP management at the Sanford POE to create false records regarding the enforcement examination of international travelers arriving at the POE. It was further alleged that this practice constituted a violation of law, gross mismanagement, and created a substantial and specific danger to the public health and safety.

In a letter dated April 21, 2006, OSC forwarded the allegations to the Secretary, Department of Homeland Security (DHS), for investigation. The allegations were subsequently referred to CBP Headquarters.

On June 7, 2006, CBP Office of Internal Affairs (IA) was assigned to conduct an internal administrative investigation into the matter.

As cited in OSC's referral letter of April 21, 2006, the specific acts of alleged misconduct by management at the Sanford POE included:

- CBP Agriculture Specialists were instructed to incorrectly record the results of secondary examinations in the Treasury Enforcement Communications System (TECS) via the IO25 function under the ENF code, for enforcement, when the correct code should have been PPQ, for agriculture;
- CBP Agriculture Specialists were instructed to create IO25 secondary examination records in TECS even though the Specialists entering the records had not actually interviewed the arriving passengers on whom the records were to be created;
- CBP Agriculture Specialists were instructed to create fraudulent IO25 secondary examination records in TECS on passengers who had neither been interviewed nor their baggage inspected;
- CBP Agriculture Specialists were given generic information to enter into IO25 records because the required information (number of bags examined, length of stay, and race, etc.) had not been properly annotated on the baggage declaration forms of arriving international travelers;
- CBP Agriculture Specialists with authorized access to TECS were instructed to enter IO25 data into TECS under someone's system identification number and password other than their own; and,

- CBP Agriculture Specialists who were not authorized access to TECS were instructed to enter IO25 data under the identification number and password of a valid authorized user.

## 2. CONDUCT OF THE INVESTIGATION

A. CBP personnel from the Office of Internal Affairs (IA), Investigative Operations Division (IOD), conducted appropriate investigative interviews and obtained relevant documentation at the Orlando and Sanford POEs between June 20 and July 27, 2006. During the investigation, IA IOD interviewed and obtained written statements from 19 CBP employees. This included:

- GS-1802-06 Agricultural Technician (1)
- GS-0401-07 Agricultural Specialist (2)
- GS-0401-09 Agricultural Specialist (3)
- GS-0401-11 Agricultural Specialist (7)
- GS-0401-12 Supervisory Ag Specialist (1)
- GS-0401-12 Supervisory CBP Officer (2)
- GS-1801-13 Operations Specialist (1)
- GS-1895-13 Service Port Director (1)
- GS-1895-13 Assistant Area Port Director (1)

B. IA, Management Inspections Division (MID), provided additional investigative support in the form of statistical analysis performed on TECS data and other relevant documents.

## 3. SUMMARY OF THE EVIDENCE OBTAINED DURING THE INVESTIGATION

A. Based on a review of the witness testimony and documentary evidence gathered during this investigation, the following allegations were determined to be UNFOUNDED:

- incorrect use of the ENF code rather than the PPQ code to record secondary inspections documented through the IO25 function;
- improper entry of secondary examination results records by someone other than the secondary interviewing officer;
- fraudulent creation of IO25 secondary examination results where no baggage examination or secondary questioning had occurred; and,
- unauthorized access to TECS by Agriculture Specialists who lacked the proper clearance.

B. Based on the evidence gathered through review of the witness testimony and relevant documentation gathered during this investigation, the following allegations were found SUBSTANTIATED:

- personnel assigned to enter IO25 data were improperly directed to use default or generic data because the specific needed information was not always properly noted on the baggage declaration form; and,
- authorized TECS users were instructed to enter IO25 data under someone's TECS user identification number and password other than their own.

#### 4. FINDINGS OF THE INVESTIGATION

##### A. Background

- (1) On November 25, 2002, the Homeland Security Act of 2002 (HSA) was signed into law, which created DHS. DHS came into existence on January 24, 2003, and shortly thereafter began to organize and assign the homeland security functions transferred to DHS from other federal agencies. The HSA required that the functions and activities of the U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service, the Department of the Treasury's U.S. Customs Service (USCS), and the Department of Justice's Immigration and Naturalization Service (INS) be consolidated into a new organization now known as U.S. Customs and Border Protection (CBP). By combining the workforces and border authorities of these agencies, CBP became the federal agency principally responsible for managing and securing the nation's borders. The priority mission of CBP is to detect and prevent terrorists and terrorist weapons from entering the United States, while fostering the nation's economic security through the facilitation of lawful international trade and travel.

The CBP Office of Field Operations (OFO) is comprised of over 25,000 employees, with 18,000 CBP Officers and 1,800 Agriculture Specialists. Individuals now known as CBP Officers came from USCS, INS and USDA, and those employees now known as CBP Agriculture Specialists originated primarily from USDA.

The establishment of CBP within DHS required the melding of the components of the three agencies into one unified border agency. To facilitate the realization of this goal, CBP coined its unification efforts at the Ports of Entry (POE) as "One Face at the Border" and undertook a massive cross-training initiative. Modules for the cross training of airport POE personnel, including Agriculture Specialists, were first made available to the field beginning in June 2004. A module titled "Customs Passenger Secondary Processing," directed at Agriculture Specialists, was released to the field in June 2005. By December 2005 a total of 37 cross-training modules had been developed and delivered to the field in a priority manner.

- (2) In September 1991 the airport at Sanford, Florida, which is located approximately 20 miles northeast of Orlando, Florida, began its existence as a User Fee Airport under an agreement between the USCS and the Sanford Airport Authority (SAA). The general aviation airport was staffed at that time with one USCS Inspector.

In 1995 a group of businessmen formed Central Florida Terminals (CFT), leased the property from SAA, and began construction of an international terminal following Federal Inspection Station (FIS) guidelines provided by Customs. The facility, constructed to process 800-900 passengers per hour, opened for business in April 1996 as the Sanford International Airport (SFB). As the only privately operated international airport in the United States, CFT was free to set its own prices without the confines of a tax driven structure or any public oversight. Staffing at that time consisted of 4 Customs Inspectors and 12 Immigration Inspectors, most of whom were detailed from Orlando and other area Ports of Entry (POE) to handle the arrival of scheduled charter flights.

In 1997, Sanford was designated as an official POE. Although international arrival traffic remained stagnant at Sanford for several years thereafter, in 2004 it began again to increase. This resulted in a facility that was originally designed to accommodate 800-900 passengers per hour trying to manage the processing of as many as 3000 passengers per hour on its peak workdays -Thursday, Friday and Saturday.

The following schedule is representative of the typical weekly workload at the Sanford POE during the summer months of 2005. The vast majority of the passengers arriving to Sanford come from the United Kingdom (UK) and virtually all of Sanford's flights arrive between 1200 and 1800 hours.

August 2005 Flight Schedule – Sanford International Airport

SUNDAY			MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY							
FROM		PAX	FROM	PAX	FROM	PAX	FROM	PAX	FROM	PAX	FROM	PAX	FROM	PAX						
London	UK	550	Manchester	UK	375	Manchester	UK	375	Manchester	UK	375	Cardiff	UK	375	Birmingham	UK	330	Newcastle	UK	375
Manchester	UK	550	Cardiff	UK	550	London	UK	235	Newcastle	UK	235	Dublin	UK	275	Belfast	UK	375	Glasgow	UK	375
Finland	FI	190	Liberia	CR	160	Finland	FI	160				Manchester	UK	375	Newcastle	UK	330	London	UK	375
			Cancun	MX	160							London	UK	345	Manchester	UK	375	London	UK	330
			Punta Cana	DR	160							Birmingham	UK	345	London	UK	550	Manchester	UK	375
			Cancun	MX	160							Glasgow	UK	375	Manchester	UK	550	Manchester	UK	330
			Manchester	UK	550							Glasgow	UK	375	Glasgow	UK	375	London	UK	375
			Dublin	IE	375							London	UK	550	Manchester	UK	550	London	UK	375
			Finland	FI	190							Manchester	UK	550	London	UK	550	Manchester	UK	550
												E. Midlands	UK	375	Newcastle	UK	375	Manchester	UK	375
												E. Midlands	UK	375	Liberia	CR	160	Glasgow	UK	375
												Glasgow	UK	375	Cancun	MX	160	London	UK	550
												London	UK	550	Punta Cana	DR	160	Manchester	UK	550
												Newcastle	UK	550	Cancun	MX	160	Manchester	UK	375
															Finland	FI	190	Manchester	UK	550
																		Liberia	CR	160
																		Cancun	MX	160
																		Punta Cana	DR	160
																		Aruba	AB	160
		1290			2680			770			610			5790				5190		6875

In March 2005, at the request of an area U.S. Congressman, local, area, and headquarters CBP management officials met with representatives from SAA in an effort to attempt to address the problems of an overburdened facility that was forcing international passengers to wait two-to-three hours to be processed. A major concern by SAA at the time was that CBP had only been staffing 12 of 20 available Primary Passport Control booths, which SAA felt contributed to delays in the processing of arriving passengers.

As part of the accord reached during that meeting, CBP agreed to add eight additional passenger Primary Passport Control booths, as well as a Primary Passport Control booth dedicated strictly for arriving crewmembers, and committed the Sanford POE to keeping all Primary Passport Control booths fully staffed during peak processing hours. The reconfiguration to 28 Primary Passport Control booths as well as a repositioning of the legacy agricultural secondary x-ray machines to a unified CBP secondary inspection area was completed by July 2005.

Prior to that time, Agriculture Specialists had often run as many as 50% of passenger's baggage through the secondary x-ray machines. As part of the overall effort to shorten the processing time of arriving passengers, it was also decided after the meeting with SAA that a more thorough questioning of passengers on agricultural issues at the Secondary Baggage Control point would be more efficient and selectively result in fewer bags being referred for x-ray. It was felt that this too would help improve passenger processing times.

The staffing of the Sanford POE at the time consisted of 1 Port Director, 2 Supervisory CBP Officers, 1 Supervisory Agriculture Specialist, 2 Technicians, and 29 CBP Officers & Agriculture Specialists. Therefore, to meet the mandated requirement to staff the 28 Primary Passport Control booths, it was decided to temporarily supplement the Sanford workforce with personnel from the Orlando and Port Canaveral POEs. In this regard, all of the Agriculture Specialists from Orlando were detailed to Sanford on a two weeks long rotational basis during the summer and fall of 2005. However, even with assistance of temporary staff, the mandated Primary Passport Control commitment typically left only one CBPO available to work secondary referrals from Secondary Baggage Control.

- (3) The configuration of the floor plan at the FIS located at Sanford and the routing of international travelers arriving there follows generally established standards.
- Passengers deplane and are directed to the Primary Passport Control point where their immigration status and admissibility into the country are ascertained. Passenger baggage declarations are reviewed for completion and accuracy, and additional primary questions are asked concerning customs and agriculture issues. Passenger baggage declaration forms are coded accordingly, which may include a referral to the secondary inspection area after the traveler has collected all of his/her luggage.

- Having been released from Primary Passport Control, passengers move to the baggage belt area where they retrieve their checked belongings. In the baggage belt area, selected passengers may be interviewed by CBPOs designated as "Rovers." Based on a CBPO's interview of a passenger, a Rover may mark the traveler's declaration form as cleared or to be referred for secondary examination. Passengers then proceed to the Secondary Baggage Control point.
  - At the Secondary Baggage Control point, the baggage declaration is scanned for completion and notations and the passengers may then be: (1) immediately released to exit the FIS; or (2) asked additional questions after which they are either released from the FIS area or referred for further examination based on the result of the Secondary Baggage Control interview; or, (3) sent for further examination based on a referral from Primary Passport Control or a Rover.
- (4) TECS is a computerized information system used by CBPOs to aid in the identification of individuals and businesses involved in, or suspected of involvement in, violations of Federal law. TECS workstations are located at all CBP ports of entry and are used by CBP personnel to check incoming travelers. At international airport facilities, such as at Sanford, the names of arriving travelers are queried through TECS during processing at Primary Passport Control.
- a. The IO25 function in TECS was designed to capture the results of secondary inspections conducted on travelers arriving via air. IO25 records are entered in secondary after all CBP processing has been concluded and the traveler has been released to exit the FIS. IO25 data is used by management to aid in the development of risk assessments and to help identify possible changes needed in passenger processing operations.
  - b. The IO25 function was originally designed to capture statistical information as related to the secondary inspection activity of the USCS and was not intended to capture USDA inspectional information.
    - The IO25 entry screen contains the following mandatory data input fields.

Last Name	Embarked
First Name	Referring Officer Code
Date of Birth	Reason for Referral
Gender	Baggage Exam (Y/N)
Race	Personal Search (Y/N)
Hispanic (Y/N)	Number PAX on Declaration
Carrier	Pos/Neg Inspection (Y/N)
Flight #	Referral Time
Crewmember (Y/N)	Completion Time
Inbound/Outbound	Primary L/O Override (Y/N)
Destination	

## B. Unfounded Allegations

(1) It was determined that the entry of an IO25 record under the ENF code rather than the PPQ code, even though the traveler and/or their luggage was processed by an Agriculture Specialist, did not constitute a violation of any known policy or procedure.

- Directive 3340-023A, titled Secondary Examinations Systems, and dated April 27, 2002, defines as one type of secondary examination that “may” be recorded in IO25 a “referral to another inspection agency.” The directive does not specifically address the distinction of whether, as in the allegation, the IO25 should be coded ENF or PPQ.
- Part 5.2 of Directive 3340-023A assigns to the Port Director the responsibility for implementing the directive, and it was by the order of the Port Director at the Sanford POE that port personnel were instructed to use the ENF code instead of the PPQ code.
- In addition, the Supervisory Agriculture Specialist at the Sanford POE brought the question of which code (ENF or PPQ) was more appropriate under the circumstances to the attention of the Tampa Field Operations office and was advised by the Program Manager for Agriculture issues that the ENF code was acceptable.
- When interviewed, the original complainants in this matter conceded that they had never seen Directive 3340-023A or had any knowledge of the provisions contained therein.

(2) It was determined that the entry of an IO25 record by an officer other than the one who actually conducted the secondary interview did not violate any policy or procedure.

- Directive 3340-023A, Part 6.5 states that there are “instances where the examining inspector is unable to input the record” and permits someone else to enter the IO25, provided the interviewing officer’s name is included in the Remarks section of the record.

Note: In a review by IA MID of Sanford POE baggage declaration forms for the period June through October 2005, it was found that the interviewing or referring officer’s name was not always present on the form and was therefore absent from the IO25 record. This failure to properly annotate the baggage declaration form is covered below under Substantiated Allegations - C(1)(c).

- In addition, Handbook (HB) 3300-02A, titled Passenger Programs Handbook and dated September 2000, Part 22.2.b states, “In cases where an officer other than the examining inspector inputs the record, these (sic) data must be

entered prior to the completion of the officer's shift." This instruction further acknowledges that it is an acceptable practice for someone other than the examining officer to input the related IO25 record.

Note: Sanford POE supervisors and the port director stated that all such input was completed prior to the end of the shift as required; none of those interviewed alleged anything to the contrary on this issue.

- When interviewed, the complainants in this matter conceded that they had never seen Directive 3340-023A or had any knowledge of the provisions contained therein.
- (3) It was determined that the stacks of baggage declaration forms, from which Agriculture Specialists were directed to create IO25 records, and for which purportedly no inspection had taken place, were from passengers that had undergone additional questioning at SBC.
- It was established that the supervisor who collected the forms and passed them to the Agriculture Specialists for input in IO25 was physically present at the Secondary Baggage Control point when the involved passengers had undergone additional secondary questioning. This additional questioning at SBC had been instituted as a means to better segregate the baggage that needed to be sent to secondary for x-ray.
  - When interviewed, the complainants in this matter referenced only having seen "stacks" of baggage declaration forms coming from Secondary Baggage Control and being told to enter IO25s. They were unaware of the additional secondary questioning that had been conducted at Secondary Baggage Control or even that the questioning at that point qualified as a secondary examination for IO25 purposes.
  - HB 3300-02A, Part 22.2.a, notes that an IO25 secondary inspection record will be input, "... or any time the interview of the passenger extends beyond that of a primary interview." In this instance, the primary interview had previously been conducted at Primary Passport Control.
- (4) No evidence was discovered that employees, for any reason, who lacked proper system authorization to use TECS, had actually accessed the TECS system.

The complainants cited two examples of employees who allegedly accessed TECS without the proper authorization.

- In the first case, an Agriculture Specialist had reportedly been directed by a CBP supervisor to go to the secondary area and begin entering IO25 records. However, when the Agriculture Specialist advised the supervisor that his background investigation had not yet been completed and he therefore was not authorized TECS access, the matter was dropped. None of those interviewed during the investigation witnessed this event and the involved Specialist denied that he had improperly accessed TECS.

- In the second case, a complainant reported having seen an Agricultural Technician, whose job description did not include any TECS authorization, using a CBP computer workstation through which TECS could be accessed. However, the complainant was unable to confirm that the Technician had actually accessed TECS from the workstation, no other witnesses could be located, and the individual involved denied ever attempting to access TECS.

### C. Substantiated Allegations

- (1) It was established that baggage declaration forms at the Sanford POE in 2005 were often incorrectly annotated with regard to certain traveler information, e.g., length of stay, purpose of visit, number of accompanying bags, race, or the interviewing officer's name. Instead, officers specifically charged with entering IO25s were given verbal instructions as to the missing information.
  - (a) In addition to the witness statements of the complainants, this violation of policy was acknowledged in the sworn statements of port supervisors and port management. It was claimed that the practice helped facilitate the movement of arriving passengers through the Sanford passenger processing area and clear the FIS more quickly.
  - (b) It was found that IO25s on both flight crewmembers and passengers were created based primarily on verbal information.
    - After interviewing and clearing the crew from a flight, a supervisor would often hand the collected baggage declaration forms to an Agriculture Specialist entering IO25s and verbally instruct the Specialist to enter generic information such as, "white, 2 bags, 2 days." Although the supervisor's information may have been accurate, as it was based on his/her own interview of the crewmembers, the information needed to accurately input the IO25s should have properly been noted on the crew's baggage declaration forms.
    - Stacks of traveler's baggage declarations forms, collected from SBC, which had not always been completely annotated, would be delivered to secondary for IO25 input and the Agriculture Specialist told something like, "white, 4 bags, 2 weeks." It was also explained that, by practice, should a passenger be of some race other than "white," then that fact would be noted on the form. Although the verbal information may have represented a legitimate "average" of those interviewed from a particular flight, such a methodology does not provide the degree of accuracy that is required of data to be input into TECS.
  - (c) Directive 3340-023A, Part 6.2 directs that the baggage declaration form be noted with the referring officer's name, reason for referral, referral time, and the results of the inspection. Although not so specified, the

logical inference is that, when someone other than the referring officer is charged with the input of the IO25, the baggage declaration must also be annotated as to all other information required to create an accurate IO25 record.

- (d) IA MID conducted an analytical review of a sampling of baggage declarations forms from the Sanford POE for the period June through October of 2005 and found that more than 50% of the forms had not been properly annotated for IO25 entry.
- (2) It was established that Agriculture Specialists assigned to Sanford were instructed to enter IO25 data into TECS under someone's system identification number and password other than their own.
- (a) In addition to the witness statements of the complainants, this violation of policy was readily acknowledged in the sworn statements of port supervisors and port management that this was common practice at Sanford. It was explained that this practice was employed as an operational expediency, but was limited only to the input of IO25s.
    - It was explained that Sanford secondary had only two TECS terminals for four secondary examination belts and that when there was a high volume of passenger's baggage on the examination belts to be x-rayed, several different officers would sometimes be entering IO25 records simultaneously – under a single user's identification and password.
    - The rationale offered for this acknowledged breach of policy regarding TECS system security was that, given the operational requirement to quickly process arriving passengers and the limited number of available TECS terminals, combined with the fact that all of those inputting the IO25s had undergone a full background check, the practice "appeared within reason." One of the Supervisory CBP Officers at the Sanford POE further claimed that Area Port management in Orlando and Field Operations management in Tampa had witnessed this practice and was therefore aware of the situation. However, it was further determined that senior-level management, e.g., the Director, Field Operations, Tampa, was neither aware of, nor condoned, the practice.
  - (b) HB 1400-05B, titled Information Systems Security Policies and Procedures and dated February 2005, Part D-1.1, states that, "Users are responsible for their own passwords and any network activity conducted under their User-Ids." Part D-1.4 also instructs the user, "Do not allow anyone to access information through your computer once you have logged on using your password. In addition, Directive 4320-015, titled User Responsibilities for Security of TECS and dated April 11, 1988, Part 3, states, "It is mandatory that each user understand that all transactions that are executed in TECS II are the responsibility of the person who signed on the system. Therefore, if

a user permits anyone to use his/her user ID, the user will be held liable for any misuse or compromise of the system and its database."

## 5. ACTION TAKEN OR PLANNED AS A RESULT OF THE INVESTIGATION

### A. Action Already Taken

- (1) On June 20, 2006, the Port Director at the Sanford POE was advised by IA IOD of the allegations contained in OSC's referral letter to CBP dated April 26, 2006. The Port Director subsequently met with the appropriate Sanford personnel, notified the Area Port Director of the situation, and initiated steps to address the two critical deficiencies of: improperly annotated baggage declaration forms; and, improper access of TECS by users under another user's identification number and password.
- (2) On July 25, 2006, IA IOD met again with the Sanford Port Director who advised IA of the following corrective actions taken.
  - Port supervisors had been instructed to discontinue the practice of using verbal, generic passenger information with regard to the data to be entered into IO25 records, and supervisory personnel were reminded of their responsibility to ensure that all baggage declarations sent for IO25 input by someone other than the interviewing officer contain all of the information required to create an accurate IO25 entry.
  - Instructions were issued to all Sanford POE personnel to immediately cease entering IO25 records under someone else's identification number and password. Supervisory personnel were reminded of their responsibility to ensure that no such future breaches of TECS systems security occurred at the port.
- (3) In September 2006, the information documented during this investigation was forwarded under Joint Integrity Case Management System (JICMS) file number 200605430 to the Director, Field Operations, Tampa, for review and appropriate personnel action in accordance with delegated authority. Upon review, it was decided that officers who failed to follow applicable policy and procedures and/or supervisory personnel who failed to ensure policy compliance, would receive Letters of Counseling.

### B. Action To Be Taken

- (1) The question of when it is more appropriate to use the ENF code or the PPQ code in IO25s appears to be a CBP-wide issue and not just limited to the Sanford or Orlando POEs. Cognizant of this fact, in May 2006, CBP OFO Headquarters issued a memorandum stating that OFO was preparing a new directive to replace Directive 3340-023A. The new policy is designed to better address some of the data collection issues associated with the IO25 and will establish national policy for the recording of secondary inspections performed by both CBP officers and

AGSs. Port Directors would continue, as under current policy, to be responsible for developing local standard operating procedures and ensuring that all AGSs were properly trained in necessary TECS functions. However, the expected issuance date of the new directive is unknown at this time.

- (2) On September 28, 2006, the Director, Field Operations, Tampa, advised IA IOD that two Area Port-wide employee musters will be written and delivered to all CBPOs and Agriculture Specialists no later than November 30, 2006. One will clarify the proper annotation of baggage declarations during passenger interviews and examinations. The second muster will discuss the proper access and sign-on responsibilities for TECS usage. While the Port Director in Sanford addressed these issues directly with the managers and employees assigned at Sanford, there is a need to cover all Area Port of Orlando employees due to the rotational assignment practice that exists whereby employees can be assigned to work at any of the Area Port's port locations, i.e., Sanford, Orlando, Canaveral.
- (3) Through FY 07, quarterly oversight visits to Sanford, the Tampa Field Office Staff will confirm that the cited deficiencies noted have been corrected. Specifically, the Field Office Staff will verify that the musters were delivered to all employees. In addition, staff will verify appropriate declaration notation and TECS input by sampling and witnessing the activities being performed. These FY 07 quarterly oversight visits will be documented and kept on file in the Field Office for review at any time.

#### C. Action Recommended

- (1) Most of the procedures at the Sanford POE alleged by the complainants to be misconduct were in actuality procedures authorized by various CBP policies and directives - of which the complainants were apparently unaware. The ersatz allegations that arose from this lack of awareness were further exacerbated by the fact that the complainants clearly still viewed themselves as USDA officers rather than as CBP officers. This was evidenced by multiple comments made by the complainants when they were individually interviewed in the course of this investigation. Moreover, these comments conveyed an apparent lack of understanding of the "One Face at the Border" concept as embodied in CBP.

It is therefore recommend that the Orlando POE, in conjunction with Tampa FO, review and reevaluate the CBP unified secondary training provided to the Agriculture Specialists in Orlando.

- (2) It is further recommended that HB 3300-02A, and all other former USCS policies and procedures related to inspectional processes, passenger processing, and the reporting of inspection results, be updated to reflect a CBP unified port inspectional environment that is inclusive of agricultural issues.