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May 8, 2025

Johanna Oliver  
Attorney, Disclosure Unit  
U.S. Office of Special Counsel  
1730 M Street, N.W., Ste. 300  
Washington, DC 20036

Re: DI-23-000586

Dear Ms. Oliver:

Kindly consider this document to constitute [REDACTED] response to the Supplemental TSA Investigative Report dated April 1, 2025 and submitted to OSC. For the reasons set forth below, OSC should deem TSA's supplemental report to be inadequate and refer it back to TSA for further investigation and action.

### **Inadequacies of TSA's Response as it Relates to the Replica Handgun**

TSA was tasked with providing an assessment of the AIT machines failure to alert during an exercise in which a TSA Officer in BOS FET program concealed a [REDACTED] on March 3, 2023.

By way of its response TSA's supplemental report explains that on the day in question the Role player entered the AIT with a [REDACTED]

[REDACTED]

By way of its response, TSA could not offer an explanation for why the AIT did not alarm on March 3, 2023. Instead, TSA could only speculate that perhaps the Role player's wearing of an outer garment may have played a role. This response is non-sensical as the light weight jacket being worn by the Role player does not require divestiture under the SOP's. It does not instill a whole lot of confidence in the AIT's

ability if the best TSA can do is try to explain away and excuse the AIT's failure to alarm on mere speculation that perhaps an authorized light weight outer garment rendered the machine ineffective. How many of these invalid tests exist? How often are the AIT's in these Role playing exercises failing to detect [REDACTED] resulting in the responding officers allowing threats to pass into the secure area? Perhaps TSA should be asked to provide statistics and numbers as to how many of these FET program tests come back, or are deemed, invalid because the AIT does not alarm to a known threat.

TSA's re-creation of the March 3, 2023 incident also leads to more questions than answers. Specifically, TSA first tries to reassure OSC that whatever failures existed in March of 2023 no longer exists as the systems and software have since been updated. It then proceeds to demonstrate that in its re-creation exercise of February 6, 2025, the AIT again failed to alarm when a male subject was screened [REDACTED]. Rather than provide reassurance, this test should provide grave concerns that the AIT's to this date are not satisfactorily detecting [REDACTED] of passengers.

It should provide no solace that in its February 6, 2025 re-creation exercise the AIT alarmed when the male role player was scanned using the gender neutral setting or that it alarmed when the female role player was scanned using either setting. This is not baseball, where going 3 for 4 is considered a great game. TSA cannot operate at this level of accuracy and just pass it off to OSC as a success. Based on its own re-creation test results, it seems apparent that a threat exists whereby the AIT's are not accurately detecting [REDACTED] especially when scanning on the male setting. It should be noted that there is no indication that the male role player in TSA's recreation exercise was wearing any kind of outer garment that could have impacted the machine's sensitivity.

#### **TSA's Response as to the Replica Sheet Explosive is Non-Responsive**

A second task given to TSA was to:

"Please provide the parameters of what "other objects concealed under layers of clothing" [REDACTED] would trigger an AIT alarm."

TSA starts its response with the rather confusing statement:

"This term is used as a catchall to include any explosives, sharps, or other items that could cause catastrophic damage to an aircraft."

This one sentence response is wholly non-responsive. The question being posed was not to define what OSC meant by the phrase "other objects concealed under layers of clothing" in its question. But that is precisely what TSA did, or tried to do. Either TSA is mocking OSC in this response or it is displaying an utterly frightening level of incompetence.

The question posed was quite clear. Explain to us how the AIT machines work? More specifically, what constitutes a [REDACTED] and what does not, in the eyes of the AIT?

How can the AIT determine that a foreign object [REDACTED] is not a threat? Does the AIT assess the chemical composition of an item such that it can determine that this [REDACTED] object is [REDACTED] and not some nefarious material? Does the AIT only detect threats? What about contraband, like drugs or hazardous chemicals? Is TSA indicating that a passenger can simply walk through an AIT with a [REDACTED] brick of cocaine or some other narcotic and the machine will not alarm because this item does not pose a risk of catastrophic damage to the aircraft? To the best of Mr. [REDACTED] knowledge, and based on all of the training he has been provided on the AIT, the AITs do not possess the ability to detect the composition of any item, they are only capable of detecting whether an anomaly exists on the body of a passenger. Millimeter wave technology has no ability to detect the chemical composition of any anomaly on the body. Millimeter wave technology is not a chemical analysis tool.

TSA tries to explain that TSA's Detection Standards work off a black list concept versus a white list concept. In the words of TSA, this means that they outline the specific threats the machines are supposed to find rather than outlining the full set of items that are allowed into the secure area. [REDACTED] the machine did not alarm. The problem with this response is that it suggests that unless TSA programs its AIT's to detect a known threat, the machine will allow an item through. This approach, it seems, forces TSA to always remain one step ahead of those wishing to defeat the system which is a very defensive and reactionary position to be in. It is also completely contradictory to the information which is conveyed to those on the front lines who are operating under the belief that if there is an object, any object, on a person which should not be there, which is not part of the person's anatomy, the AIT machines will detect it. Why are we limiting the AIT's to alerting only to predetermined black list of known threats? Is this move to a threat specific detection method being driven by some kind of politically motivated response to complaints by certain groups?

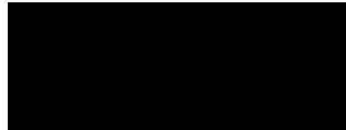
TSA's vague, confusing and contradictory response on this issue leaves a lot to be desired.

Finally, TSA HQ is believed to maintain a log of every FET AIT test conducted throughout the country and more specifically at large CAT X airports that has been deemed "invalid". That log of "invalid" tests will be a catalogue of AIT failures to detect threat test pieces in FET tests throughout the nation. TSA should be divulging the statistics in that log of FET AIT tests deemed "invalid" for failure to detect the concealed threat item, over time, and throughout the country.


Wherefore, [REDACTED] requests that OSC remand this matter back to TSA for further investigation and explanation.

Thank you.

Very truly yours,

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I hereby attest that the statements made above are true and accurate to the best of my information and belief.

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