

DEPARTMENT OF HOMELAND SECURITY

Office of Inspector General

AMOC Needs To Improve Written Guidelines For Providing Assistance To Other Agencies



Notice: The Department of Homeland Security, Office of Counsel to the Inspector General, has reviewed this report and excised information according to the Freedom of Information Act, 5 U.S.C. Section 552, as amended. The report also has been edited minimally to preserve continuity and comprehension.

Office of Audits

OIG-04-20

March 2004

Preface

The Department of Homeland Security (DHS) Office of Inspector General (OIG) was established by the Homeland Security Act of 2002 (Public Law 107-296) by amendment to the Inspector General Act of 1978. This is one of a series of audit, inspection, investigative, and special reports prepared by the OIG periodically as part of its oversight responsibility with respect to DHS to identify and prevent fraud, waste, abuse, and mismanagement.

This report is the result of an assessment of the strengths and weaknesses of the program, operation, or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observations, and a review of applicable documents.

The recommendations herein have been developed on the basis of the best knowledge available to the OIG, and have been discussed in draft with those responsible for implementation. It is my hope that this report will result in more effective, efficient, and/or economical operations. I express my appreciation to all of those who contributed to the preparation of this report.

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

Richard L. Skinner
Deputy Inspector General

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Abbreviations

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| AMICC | Air and Marine Interdiction Coordination Center |
| AMO | Office of Air and Marine Operations |
| AMOC | Air and Marine Operations Center |
| Customs | United States Customs Service |
| DAT | Digital Audio Tape |
| DHS | Department of Homeland Security |
| DoD | Department of Defense |
| DPS | Department of Public Safety |
| DSS | Detection System Specialist |
| FAA | Federal Aviation Administration |

Contents

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|----------------|---|
| FSO | Facility Standardization Officer |
| FY | Fiscal Year |
| GPRA | Government Performance and Results Act |
| ICE | Immigration and Customs Enforcement |
| JIATF | Joint Interagency Task Force |
| MOU | Memorandum of Understanding |
| NCRCC | National Capital Region Coordination Center |
| OIG | Office of Inspector General |
| PDD | Presidential Decision Directive |
| PDT | Pacific Daylight Time |
| P.L. | Public Law |
| ROI | Report of Investigation |
| SCDO | Supervisory Command Duty Officer |
| SDSS | Senior Detection System Specialist |
| Secret Service | United States Secret Service |
| SOP | Standard Operating Procedure |
| Treasury | Department of the Treasury |
| U.S. | United States |
| U.S.C. | United States Code |

OIG

Department of Homeland Security Office of Inspector General

Introduction

This report presents the results of the Office of Inspector General's (OIG) audit of the Immigration and Customs Enforcement's (ICE) Air and Marine Operations Center (AMOC). The audit was initiated as a result of congressional concerns regarding AMOC's use of its assets to locate an aircraft believed to be transporting Texas state legislators. AMOC, formerly called the Air and Marine Interdiction Coordination Center (AMICC), is a national interagency law enforcement facility utilizing civil aviation and military sensor networks to support law enforcement and national defense operations throughout the Western Hemisphere. Staffed by experienced law enforcement professionals and military air traffic personnel, AMOC continuously monitors air traffic over the United States (U.S.), Canada, Mexico, and the Caribbean. This allows AMOC to identify, track, and support the interdiction and apprehension of violators attempting to enter U.S. airspace with illegal drugs or terrorist objectives.

On May 12, 2003, AMOC provided assistance to the Texas Department of Public Safety (DPS) in locating an aircraft believed to be transporting Texas state legislators from Oklahoma to Texas. The Department of Homeland Security (DHS) OIG was requested by Congress to conduct an investigation of the events that occurred regarding the assistance AMOC provided to the DPS.¹ The OIG conducted a criminal investigation focused on the alleged misuse of DHS assets in assisting state law enforcement in locating a reported missing aircraft. The OIG released its Report of Investigation (ROI) detailing its findings on June 13, 2003. In the ROI, the OIG concluded that AMOC provided assistance to DPS consistent with its guidelines. In the course of the investigation, however, the OIG determined that a review of AMOC's guidelines for rendering assistance to federal, state, and local law enforcement agencies was warranted.

The overall objective of this audit was to assess the propriety of AMOC's existing guidelines for rendering assistance to federal, state, and local law enforcement agencies. We conducted our fieldwork from July 2003 through September 2003. Fieldwork was conducted at the Office of Air and Marine Operations (AMO) in

¹ Inspector General Clark Kent Ervin recused himself from any participation in this matter due to his prior employment by the State of Texas, and the possibility that he might know one or more of the State of Texas employees involved in this matter.

Washington, D.C.; the AMOC facility in Riverside, California; and the National Capital Region Coordination Center (NCRCC) in Herndon, Virginia. A more detailed description of our purpose, scope, and methodology is provided as *Appendix 1*.

Results in Brief

AMOC needs to improve its written guidelines for rendering assistance to federal, state, and local agencies in law enforcement and emergency humanitarian efforts. Guidelines were general in nature and did not include specific procedures to verify that requests for assistance were valid and appropriate requests from legitimate federal, state, and local law enforcement agencies. Furthermore, existing procedures for rendering assistance to law enforcement agencies were not always followed. In addition, AMOC did not have organizational performance measures and individual performance standards to assess AMOC's effectiveness and productivity.

We also confirmed that assistance rendered to the Texas DPS by AMOC was consistent with AMOC's mission and policy of providing assistance to federal, state, and local law enforcement agencies. AMOC's policy was to presume that any request from a law enforcement agency, whether law enforcement or humanitarian in nature, was valid and would not be denied if staffing and resources were available. AMOC received two requests for assistance from DPS on May 12, 2003. At the time the two DPS requests were received, AMOC staff believed that the first inquiry was a legitimate request for law enforcement assistance and the second was a legitimate request for humanitarian assistance, both from a law enforcement agency. However, AMOC officials did not take specific measures to verify the nature or legitimacy of the requests because AMOC procedures did not require them to do so. Accordingly, AMOC provided current and past flight plan information to DPS. At the time the requests were made, flight plan information was considered "open source" information, which is defined as any information available to the general public, and has no federal restrictions on its release.²

² As a result of the May 12, 2003, incident, on July 15, 2003, the Federal Aviation Administration (FAA) amended its written procedures to impose restrictions on the release of aircraft tracking (flight plan) information. According to FAA Order 7210.3, *Facility Operation and Administration Handbook*, (Chapter 2-1-5. Release of Information), "No request for Flight Track Data shall be granted unless it is first determined that the request is being made in the interest of aviation safety or efficiency, or for an official purpose by a United States Government agency or law enforcement organization with respect to an ongoing investigation."

We are recommending that the AMO Director: (1) revise AMOC guidelines for providing assistance to federal, state, and local agencies in law enforcement and emergency humanitarian efforts; (2) provide refresher training for all operations floor staff and reiterate the importance of understanding and following existing procedures; (3) document the type of assistance provided, e.g., law enforcement or humanitarian, so that these statistics can be easily tracked by the new electronic contact database developed by AMOC; (4) develop organizational performance measures and individual performance standards to evaluate the effectiveness and productivity of both AMOC and its personnel; and (5) prepare meaningful management reports to show workload statistics that measure overall productivity.

Background

In 1969, Congress established the United States Customs Service (Customs) Aviation Program to stem the flow of drug smuggling across U.S. borders via light, private aircraft. In 1971, the Customs Air Interdiction Program began operations with a small fleet of confiscated aircraft. Spurred by the increasing threat of drug smuggling via light, private aircraft, Customs began experimenting with radar interdiction operations during the 1970s and early 1980s. Utilizing Federal Aviation Administration (FAA) and Department of Defense (DoD) fixed and mobile radar sites, Customs conclusively proved the value of radar in stemming the flow of illegal drugs across the U.S. borders, with one critical shortcoming: once a smuggling aircraft was detected it quickly escaped by passing out of range of conventional radar facilities.

To address this shortcoming, Customs opened the Command, Control, Communications and Intelligence Center located in Riverside, California, in August 1988. A similar facility was opened in Richmond Heights, Florida, a few months later. Both facilities were consolidated at the Riverside, California facility in October 1994 and the new facility was renamed the Domestic Air Interdiction Coordination Center. In 1999, the Air and Marine Programs merged and the Air and Marine Interdiction Division was created and the name of the Riverside facility was changed to the Air and Marine Interdiction Coordination Center. Effective March 1, 2003, Customs was transferred from the Department of the Treasury (Treasury) to DHS. As a result, the AMICC was assigned to ICE, one of two new Bureaus under the DHS Border and Transportation Security Directorate. The AMICC was renamed the Air and Marine Operations Center and the Air and Marine Interdiction Division became the Office of Air and Marine Operations. AMOC reports to ICE through AMO.

AMOC's mission is to utilize integrated air and marine forces, the latest technology, and tactical intelligence to detect, sort, track, and facilitate the interdiction of criminal entities throughout the Western Hemisphere. According to AMOC, its capabilities for detection, classification, and prosecution of inbound low flying aircraft do not exist anywhere else. Because of its extensive capability, AMOC is also providing airspace security coverage over Washington, D.C. and has provided airspace security for a number of significant events, including the 2002 Winter Olympics and the 2003 Super Bowl. AMOC also provided airspace security for Operation Liberty Shield.³ AMOC has become the focal point for protecting the security of the United States through the tactical direction of ICE in the war on air and marine smuggling.

Personnel assigned to AMOC include a Director, Assistant Directors, Operations Officers, Training Officer, Supervisory Command Duty Officers (SCDO), Senior Detection Systems Specialists (SDSS), Detection Systems Specialists (DSS), Telecommunication Specialists, Intelligence Research Specialists, and a small support staff. DSSs have a variety of federal and state law enforcement computer systems at their fingertips, allowing them to provide detailed information on the movement, registration, and criminal histories of aircraft, vessels, vehicles, and individuals.

This complex communication network gives AMOC personnel the ability to speak directly with federal, state, and local law enforcement agencies, ensuring a carefully coordinated response whether investigating suspicious activity or securing support for ICE interdiction teams in the field. This capability also proves useful when the DSS needs to determine if the caller is a legitimate law enforcement officer. AMOC does not have caller identification capabilities for external incoming calls. However, the DSS can quickly search the databases and display the official numbers for verification when necessary.

Since September 11, 2001, AMOC has turned its surveillance and database capabilities toward protecting the people of the United States from further terrorist assaults while continuing to deter the smuggling of narcotics into the United States. Whether identifying and tracking suspects, providing 24-hour surveillance on high priority targets, or performing airspace security missions, AMOC is a vital link in the Homeland Security network. AMOC's mission was expanded as a result of September 11, 2001, to include the following Homeland

³ Operation Liberty Shield was launched in March 2003 to increase security and readiness in the United States. Part of Operation Liberty Shield was to control vital airspace and enforce new temporary flight restrictions that were put into place over certain U.S. cities, including Washington, D.C. and New York City.

Security surveillance and law enforcement support requirements: (1) increased internal domestic surveillance and law enforcement support, which included counter-terrorism and money laundering; (2) increased support to the Office of Air and Marine Branches and Units; (3) increased inter-agency coordination with the Federal Bureau of Investigation; Bureau of Alcohol, Tobacco, Firearms, and Explosives; the United States Secret Service (Secret Service); and other agencies; (4) increased interior radar coverage; and (5) the addition of direct intelligence support to Homeland Security.

Legal Authorities

AMO has various sources for different legal authorities, including numerous laws and Presidential Decision Directives (PDD). Certain authorities originated with Treasury and the former Customs. Pursuant to 19 United States Code (U.S.C.) § 1589a, enforcement authority of customs officer, “Subject to the direction of the Secretary of the Treasury, an officer of the customs may – (1) carry a firearm; (2) execute and serve any order, warrant, subpoena, summons, or other process issued under the authority of the United States; (3) make an arrest without a warrant for any offense against the United States committed in the officer’s presence or for a felony, cognizable under the laws of the United States committed outside the officer’s presence if the officer has reasonable grounds to believe that the person to be arrested has committed or is committing a felony; and (4) perform any other law enforcement duty that the Secretary of the Treasury may designate.”

The authorities in 19 U.S.C. § 1589a were transferred to the Secretary of Homeland Security, along with all other functions, personnel, assets, and liabilities of Customs, pursuant to section 403(1) of the Homeland Security Act of 2002, Public Law (P.L.) 107-296, dated November 25, 2002. Subsequently, the Secretary delegated the authorities under 19 U.S.C. § 1589a to the Assistant Secretary of ICE. The Secretary also delegated to the Director of AMO the authority and responsibility to supervise and direct ICE activities with respect to air and marine interdiction, and to provide direction and supervision to the AMO branch chiefs and other managers as appropriate.

Treasury’s Fiscal Year (FY) 2002 appropriations bill, P.L. 107-67, dated November 12, 2001, specifically provided appropriations in the amount of \$177,860,000 for AMO including “...the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in

other law enforcement and emergency humanitarian efforts...” Congress passed another law with identical language for FY 2003, P.L. 108-7, which provided \$181,829,000 for AMO. These laws afford AMO very broad authority and enormous latitude as long as activities fall within the broad categories of law enforcement or emergency humanitarian efforts.

AMO’s legal authority to conduct airspace security evolved from Customs’ support to the Secret Service in national security events pursuant to PDD 62, Protection Against Unconventional Threats to the Homeland and Americans Overseas. PDD 62 requires that AMO and the Secret Service establish airspace security over restricted airspace at designated National Special Security Events. Other laws that provide legal authority for AMO include: PDD 14, Counter-Narcotics “Andean Strategy”; PDD 39, Counterterrorism Policy; PDD 63, Protecting America’s Critical Infrastructure; National Security Directive 18, International Counternarcotics Strategy; the National Defense Authorization Act of 1995; the National Drug Control Strategy of 2000; and the Western Hemisphere Drug Elimination Act.

Assistance Provided To DPS Was Consistent With AMOC’s Mission and Policies

AMOC’s assistance to DPS was consistent with its mission and policies for providing assistance to federal, state, or local law enforcement agencies based on staff’s belief that the request was legitimate. AMOC’s policy was to presume that any request from a law enforcement agency, whether law enforcement or humanitarian in nature, was valid and would not be denied if staffing and resources were available. On May 12, 2003, AMOC provided assistance to the Texas DPS by (1) reviewing past flight information on 14 aircraft that may have flown out of Austin, Texas, on May 10 or May 11, 2003 and (2) locating an aircraft believed to be transporting state representatives from Ardmore, Oklahoma to Georgetown, Texas. At the time the DPS requests were originally received, AMOC operations floor staff believed that the first inquiry was a legitimate request for law enforcement assistance and the second was a legitimate request for humanitarian assistance, both from a law enforcement agency. However, AMOC officials did not take specific measures to verify the nature or legitimacy of the request or the requestor. Accordingly, current and past flight plan information was provided to DPS. AMOC did not disclose any proprietary law enforcement information to DPS nor did DPS request any.

According to AMOC's Training and Operations Manual, dated February 2002, the mission of the Customs Aviation Program is "To provide assistance to all other elements of Customs requiring aviation support. Air Support also will be provided to assist other federal, state, and local agencies as assets permit."

AMOC procedures require that any request for assistance be logged into the operations floor automated Air Watch Log. Procedures also require any unusual requests or incidents be documented and the supervisor on the operations floor be notified. However, AMOC procedures did not require the SDSS or the DSS to determine the nature and legitimacy of a request for assistance from a law enforcement agency. As a result, AMOC staff did not routinely question law enforcement officers requesting open source information nor did they routinely question whether the caller was a law enforcement officer. AMOC staff presumed all calls for assistance from law enforcement officials were legitimate and considered it their job to assist in whatever way they could.

Requesting assistance under the guise of a missing aircraft in a partisan political endeavor and requesting past flight information on 14 aircraft represent the potential for abuse of public trust and improper use of federal resources. According to AMOC staff, had they known the true purpose of the DPS request, they would not have assisted DPS. The lack of clear, specific guidelines for providing assistance to federal, state, and local law enforcement agencies may increase the risk that abuse and misuse of federal resources may potentially occur in the future.

We attempted to determine how many calls for assistance AMOC receives on a daily basis. AMOC considers requests for assistance to include reports of low flying aircraft and requests for and receipt of intelligence information. We sampled AMOC's operations floor Air Watch Logs, Intelligence Section Watch Logs, and Case Management Air Reports for March and July 2003. AMOC operations floor and the Intelligence Section logged 14,580 entries in March and July 2003. The records were compiled after AMOC filtered the data removing administrative and other non-contact records. After AMOC filtered out administrative type calls, the data showed that 2,573 entry contacts were logged in those two months. The composite of these entries showed that AMOC logged an average of 42 contacts for assistance a day.

Using the operations floor Air Watch Log, AMOC determined the number of requests for humanitarian assistance it received over a given period. AMOC's database showed that AMOC received and logged in 314 requests for

humanitarian assistance from January 1999 through August 2003. Based on this data, AMOC received an average of six requests a month for humanitarian assistance.

First Request – DPS Contacts AMOC For Assistance Regarding Flight History Information

After the initial investigation by the OIG was completed, another tape of DPS telephone calls for assistance was discovered, of which neither the AMOC employees involved in the second call nor the OIG were previously aware. Specifically, review of this Digital Audio Tape (DAT) revealed that on May 12, 2003, at 1:19 p.m. Pacific Daylight Time (PDT), a call from the Texas DPS was placed to AMOC’s main administrative telephone number. The main administrative telephone number is located in the front office and is on continual “call forward” to the Communications Section due to a lack of staffing in the front office to answer this telephone. A telecommunications specialist received the call, identified that it was for the operations floor, and transferred it to the SDSS duty desk. The SDSS transferred the call to the DSS working the Gulf Coast desk.

The first request was for past flight history information on 12 to 14 aircraft presumed to have left Austin-Bergstrom International Airport on May 10 or May 11, 2003, to determine if 2 or 3 aircraft had the same destination. The DSS researched the past flight history information and reported to the DPS caller that none of the aircraft queried that left out of Austin-Bergstrom International Airport had the same destination. At the time this request was originally received, AMOC operations floor staff believed that it was a valid request for law enforcement assistance from a legitimate law enforcement agency.

The DSS did not log this first request in the automated Air Watch Log as required, the SDSS did not detect the omission, and neither notified the supervisor on the operations floor of the request for assistance. As a result, this first DPS request was not discovered until after the initial OIG investigation was completed. (See Attachment for copy of redacted transcript of first DPS tape.)

AMOC officials stated that because policies and procedures were not followed regarding this request for assistance, the AMOC Incident Review Board would review this incident after the OIG review is completed. Following every significant seizure or incident, the Incident Review Board convenes, under the direction of an operations officer, to review operations floor actions as well as all pertinent documentation. The purpose of the Incident Review

Board is to carefully assess each incident to determine lessons learned, areas for commendation and improvement, and compliance with established AMOC operational procedures. The results of the review are published for the benefit of the entire AMOC facility.

Second Request – DPS Contacts AMOC For Assistance in Locating a Missing Aircraft

On May 12, 2003, at 3:28 p.m. PDT, a second request from Texas DPS to AMOC was received directly on the operations floor. The SDSS on duty answered the call, and transferred it to the DSS working the Texas desk. The DSS assisted with the request for information concerning a missing aircraft, traveling from Ardmore, Oklahoma to Georgetown, Texas, with state representatives on board. Using the aircraft tail number, the DSS immediately began looking for its flight plan. Unable to find a flight plan, the DSS set about trying to locate the aircraft by calling the various airports and flight services in the target area. No one could provide current information on the location of the aircraft. Therefore, the DSS offered the DPS caller the telephone number to request a search and rescue from the FAA. The DPS caller initially declined, and then called back to request the FAA number needed to initiate a search and rescue. AMOC had no further contact with Texas DPS.

An Air Watch Log entry was made by the DSS handling the second request from the Texas DPS. Both the SDSS and the operations floor supervisor were aware of the request and the assistance provided. At the time this request was originally received, AMOC operations floor staff believed it was a valid request for humanitarian assistance from a legitimate law enforcement agency; however, AMOC did not verify the source or the substance of the request.

In the earlier call, the DPS asked AMOC for information on 14 aircraft to determine if 2 or 3 aircraft had the same destination. Calls on the operations floor are recorded on three different DAT recorders. The first call was routed to the Gulf Coast desk, which was recorded on a different DAT recorder than the second request, which was handled by the DSS working the Texas desk. As a result, coupled with the fact that the first request was not logged in the automated Air Watch Log as required, the first request went undetected by the AMOC employees involved with the second request.

AMOC Needs To Improve and Enforce Written Guidelines For Providing Assistance

AMOC's Guidelines For Providing Assistance Were General and Did Not Require Verification of the Legitimacy of the Request or Requestor

AMOC needs to improve written guidelines for rendering assistance to federal, state, and local agencies in law enforcement and emergency humanitarian efforts. AMOC's Standard Operating Procedure (SOP) 01, dated October 1, 2001, Subject: *Personnel Responsibilities and Duties*, provides guidance on personnel responsibilities and duty requirements. AMOC's Training and Operations Manual details the duties and responsibilities of a DSS. However, these guidelines were very general in nature and neither the SOP nor the Training and Operations Manual contained specific procedures to verify that requests for assistance were valid and appropriate requests from legitimate federal, state, and local law enforcement agencies. For example:

- Guidelines did not include procedures to verify the legitimacy of the request for assistance.
- Guidelines did not include a clear description of what constituted a legitimate request for law enforcement or humanitarian assistance.
- Guidelines did not include a clear definition for what was considered a significant or unusual incident.
- Guidelines did not include procedures for call back verifications of the requestor when applicable.

AMOC staff did not routinely question law enforcement officers requesting assistance for open source information because AMOC procedures did not require the SDSS or the DSS to determine the nature and legitimacy of this type of request for assistance. AMOC staff presumed all calls for assistance from law enforcement officials were legitimate and considered it their job to assist if staffing and resources permitted.

Lack of clear guidelines governing the assistance AMOC provides to federal, state, and local law enforcement agencies create the potential that public trust

may be abused, federal resources misused, and sensitive information may be inappropriately disclosed.

During our July 2003 site visit to AMOC, we recommended that AMOC improve guidelines for providing law enforcement and humanitarian assistance. Specifically, we recommended that guidelines be strengthened to include procedures to verify the identity of the requestor, the organization of the requestor, the nature of the request, and the specific purpose for assistance. AMOC officials concurred and revised SOP-01 to reflect our recommendations during this site visit.

As a result of our audit, AMOC staff also developed an electronic contact database for DSS use on the operations floor to help track all calls for assistance and information. An electronic contact card is to be filled out when someone from outside ICE calls and requests assistance, information, or assets and when AMOC calls an outside agency requesting their assistance or providing information. This contact database will allow AMOC to retrieve information easier and faster.

AMOC's Written Procedures Were Not Always Followed

AMOC's written procedures for providing assistance to federal, state, and local law enforcement agencies were not always followed. AMOC staff did not always log entries into the Air Watch Log; and AMOC staff did not always notify supervisors of significant or unusual requests. In addition, AMOC did not always comply with guidance on shift scheduling for the operations floor. Failure to comply with written guidelines governing the assistance AMOC provides to federal, state, and local law enforcement agencies creates the potential that public trust may be abused, federal resources misused, and sensitive information may be inappropriately disclosed.

- AMOC staff did not always log entries into the automated Air Watch Log. According to AMOC's Training and Operations Manual, Chapter 4, *MIS Documentation*, all requests (by whom, for what, and the results) must be logged into the automated Air Watch Log. The Air Watch Log is an automated daily log in which all pertinent events, as well as information surrounding those events, should be logged in a clear and concise manner by the DSS. According to AMOC's SOP-01, *Personnel Responsibilities and Duties*, SDSSs are responsible for ensuring the accuracy and completeness of operations floor documentation, i.e., Air Watch Logs and Track Logs, during their shift. There was some uncertainty and confusion

on the part of the operations floor staff regarding the requirement to log entries into the automated Air Watch Log.

- AMOC staff did not always notify supervisors of significant or unusual requests. According to Chapter 4 of the Training and Operations Manual, certain situations may occur that need to be documented in more detail than what is required or recorded in the daily operations log. This could include any unusual request or incident where the supervisor should be made aware. In some cases, AMOC staff did not believe the request or event was significant or unusual, and therefore, did not notify supervisors. Consequently, significant or unusual requests may not receive the proper priority or response.
- The hiring and training of a DSS can be a lengthy process. Locating, identifying, and tracking suspect aircraft require a unique set of both operational and technical skills. Operations personnel are required to develop an intimate knowledge of air smuggling organizations, traffic patterns, potential terrorists targets, terrain features, drug trafficking routes, and transshipment points. On the average, it takes a minimum of six months to complete the hiring process for a new DSS. Once on board, it takes between eight to ten months to train and certify a new DSS at AMOC. According to AMOC staff, AMOC's workload has increased as a result of the Customs transition into DHS and the increase in law enforcement responsibilities for terrorism.

Recommendations

We recommend that the AMO Director:

1. Revise AMOC guidelines for providing assistance to federal, state, and local agencies in law enforcement and emergency humanitarian efforts to include procedures to verify the identity of the requestor, the organization of the requestor, the nature and type of the request, e.g., law enforcement or humanitarian, and the specific purpose for assistance. If existing procedures regarding staffing requirements or operational priorities are no longer valid or practical, AMO should update them to reflect what is reasonable and necessary.

Management Comments

AMO management concurred with our recommendation. The AMOC Training Office issued revised written procedures that address our concerns on October 15, 2003.

OIG Comment

The actions taken by AMOC meet the intent of our recommendation.

2. Provide refresher training for all operations floor staff and reiterate the importance of understanding and following existing procedures to ensure that policies and procedures for providing assistance to law enforcement agencies are properly and consistently followed.

Management Comments

AMO management concurred with our recommendation. The AMOC basic training syllabus has been rewritten and specifically addresses the issues raised in the OIG review. The training builds upon the revised procedures addressed in Recommendation 1. Operational personnel received refresher training the week of October 20, 2003, on the revised procedures and supervisors are enforcing the new procedures.

OIG Comment

The actions taken by AMOC meet the intent of our recommendation.

3. Document the type of assistance provided, e.g., law enforcement or humanitarian, so that these statistics can be easily tracked by the new electronic contact database developed by AMOC.

Management Comments

AMO management concurred with our recommendation. AMOC has a panel of experts that is developing the statistical requirements that should be included in AMOC's tracking database. AMO management estimated that it would take approximately 12 months to update its electronic contact database.

OIG Comment

The actions taken and planned by AMOC meet the intent of our recommendation.

AMOC Needs To Establish Performance Measures To Assess Its Effectiveness and Productivity

AMOC did not have organizational measures or individual performance standards in place to assess the effectiveness and productivity of the operations floor and its personnel. In addition, AMOC was not currently preparing management reports that included productivity, evaluation, and standardization summaries on operations floor activity. According to the AMOC officials, AMOC did not have performance measures because it was difficult to develop meaningful performance measures that were fair and equitable given that many factors influencing AMOC's performance were outside AMOC's control. AMOC ceased preparing management reports that included productivity, evaluation, and standardization summaries on operations floor activity in February 2003. According to the AMOC Director and the SDSS who had previously prepared the reports, AMO Headquarters no longer required the reports. Also, the SDSS who previously prepared the reports was reassigned to the operations floor and no longer had time to prepare the complex and labor-intensive reports. Without meaningful performance measures and productivity reports, AMOC cannot effectively (1) assess how well AMOC is meeting its mission, strategic goals, and objectives; (2) evaluate overall operations floor productivity, individual DSS productivity, and compliance with management initiatives; and (3) identify trends on the operational floor and areas for improvement.

The Government Performance and Results Act (GPRA) of 1993 was enacted by Congress to promote a new focus on improving program performance and to provide greater accountability for results within the federal government. GPRA provides a foundation for examining agency missions, performance goals and objectives, and results. GPRA requires that federal agencies develop and implement an accountability system based on performance measurement, including setting goals and objectives, a description of how the goals and objectives are to be achieved, and measuring progress toward achieving them. A key objective of GPRA is to help Congress, the Office of Management and Budget, and other executive agencies develop a clearer understanding of what is being achieved in relation to what is being spent. Linking planned performance

with budget requests and financial reports is an essential step in building a culture of performance management.

From August 2000 to February 2003, the AMOC Director assigned a SDSS to act as a full-time Facility Standardization Officer (FSO). One of the FSO's responsibilities was preparing numerous management reports, including productivity, evaluation, and standardization summaries. Also, the supervisor on the operations floor produces a daily morning summary for AMO Headquarters. However, these summaries are not broken down by DSS and they do not effectively measure individual productivity.

Management reports can be a useful tool for developing performance measures for AMOC and for evaluating how well AMOC is meeting its strategic goals and objectives. Management reports can also be useful for identifying trends on the operations floor, productivity, and areas for improvement.

Recommendations

We recommend that the AMO Director:

4. Develop organizational performance measures and individual performance standards to evaluate the effectiveness and productivity of both AMOC and its personnel.

Management Comments

AMO management concurred with our recommendation. AMOC's senior staff is revising its current performance measures to reflect better the effectiveness and productivity of assigned personnel. AMO management estimated that it would take approximately 12 months to complete the revisions.

OIG Comment

The actions taken and planned by AMOC meet the intent of our recommendation.

5. Prepare meaningful productivity reports to show workload statistics that measure overall operations floor and individual DSS productivity. These reports should also document the number and type of assistance provided, i.e., whether law enforcement or humanitarian.

Management Comments

AMO management concurred with our recommendation. AMOC's senior leadership will define appropriate reports needed to measure overall DSS productivity and address our concerns. This work is in progress and AMO management estimated that it would take approximately 12 months to complete.

OIG Comment

The actions taken and planned by AMOC meet the intent of our recommendation.

Purpose, Scope, and Methodology

Our overall objective was to assess the propriety of AMOC's existing guidelines for rendering assistance to federal, state, and local law enforcement agencies. Specific objectives were to:

- Document the authority that established AMOC's mission;
- Evaluate the appropriateness of AMOC's written policies and procedures governing the assistance it provides to federal, state, and local law enforcement agencies;
- Determine how these policies and procedures have been applied in the past; and
- Determine whether the type of assistance AMOC provided to the DPS was consistent with its existing policies and procedures and its mission under the DHS.

To accomplish our audit, we conducted fieldwork at AMO Headquarters in Washington, D.C.; the AMOC facility in Riverside, California; and the NCRCC in Herndon, Virginia. We reviewed applicable governing laws, regulations, and legal authorities related to AMOC's mission. We also reviewed AMOC's policies, SOPs, Training and Operations Manual, Training Plan, AMOC position descriptions, MOUs, and other relevant documentation pertaining to providing law enforcement and humanitarian assistance. We also reviewed information for the months of March and July 2003 to determine the number and nature of telephone calls AMOC received.

To obtain a thorough understanding of AMOC's mission and policies for rendering assistance, we interviewed key AMOC personnel, including its Director, Assistant Directors, Operations Officers, Training Officer, numerous SDSSs, DSSs, SCDOs, and a Command Duty Officer, as well as staff from AMOC's Intelligence and Communications Sections. We interviewed AMO personnel to discuss AMO's role and relationship with AMOC and funding for AMOC. We also interviewed attorneys from ICE and Customs and Border Protection to discuss AMOC's mission and its legal authorities.

We conducted our audit between July 2003 and September 2003 according to generally accepted government auditing standards. A listing of the major contributors to this report is included in *Appendix 4*.

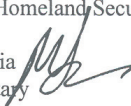
Office of the Assistant Secretary
U.S. Department of Homeland Security
425 I Street, NW
Washington, DC 20536

MAR 10 2004



**U.S. Immigration
and Customs
Enforcement**

MEMORANDUM FOR: Richard L. Skinner
Deputy Inspector General
Department of Homeland Security

FROM: Michael J. Garcia 
Assistant Secretary

SUBJECT: Audit of the Air and Marine Operations Center, Report Number XXX

Thank you for the opportunity to provide comments to the subject draft report. Overall, the report provides an accurate assessment of the events surrounding the Air and Marine Operations Center's involvement in sharing information with the Texas Department of Public Safety on May 12, 2003. Per the attached, the Director, Office of Air and Marine Operations, will take the recommended corrective actions, two of which are complete.

If you have any additional questions, please contact Kathleen M. Stanley or Eddie Carlisle, Office of Professional Responsibility, at (202) 514-8800.

Attachment

cc: Asa Hutchinson, Under Secretary for
Border and Transportation Security
Anna Dixon, DHS Audit Liaison


U.S. Department of Homeland Security
Washington, DC 20536



U.S. Immigration
and Customs
Enforcement

MAR 3 2004

MEMORANDUM FOR: Michael J. Garcia

FROM: Charles E. Stallworth II 
Director, Office of Air and Marine Operations

SUBJECT: Audit of the Marine Operations Center; Report Number XXX

Overall, the Inspector General (IG) Audit provides an accurate assessment of the events surrounding the Air and Marine Operations Center's involvement in sharing information with the Texas Department of Public Safety on May 12, 2003. The suggested recommendations are reasonable and the Office of Air and Marine Operations will take action on them. ICE response for recommendations 3, 4, and 5 will take approximately 12 months to complete.

RECOMMENDATION 1: "Revise AMOC guidelines for providing assistance to federal, state, and local agencies in a law enforcement and emergency humanitarian efforts to include procedures to verify the identity of the requestor, the organization of the requestor, the nature and type of the request, e.g., law enforcement or humanitarian, and the specific purpose for assistance. If existing procedures regarding staffing requirement or operational priorities are no longer valid or practical, AMO should update them to reflect what is reasonable and necessary."

ICE RESPONSE: Concur. On October 15, 2003, AMOC produced appropriate written procedures for this situation (copy attached).

RECOMMENDATION 2: "Provide refresher training for all operations floor staff and reiterate the importance of understanding and following existing procedures to ensure that policies and procedures for providing assistance to law enforcement agencies are properly and consistently followed."

ICE RESPONSE: Concur. The AMOC basic training syllabus has been rewritten and specifically addresses the issues raised by this IG Audit. The current training builds upon the revised procedures (see ICE Response 1 above). The currently qualified operational personnel have received refresher training (the week of October 20, 2003) on the revised procedures and the supervisors are enforcing the new procedures.

RECOMMENDATION 3: "Document the type of assistance provided, e.g., law enforcement or humanitarian, so that these statistics can be easily tracked by the new electronic contact database developed by AMOC."

Audit of the Marine Operations Center; Report Number XXX
Page 2

ICE RESPONSE: Concur, AMOC has a panel of experts that is developing the statistical requirements that should be included in AMOC's tracking database. This work is ongoing and will include the suggestions of this audit.

RECOMMENDATION 4: "Develop organizational performance measures and individual performance standards to evaluate the effectiveness and productivity of both AMOC and its personnel."

ICE RESPONSE: Concur, A revision of current performance measures to better reflect the effectiveness and productivity of assigned personnel is underway by AMOC's senior staff.

RECOMMENDATION 5: "Prepare meaningful productivity reports to show workload statistics that measure overall operations floor and individual DSS productivity. These reports should also document the number and type of assistance provided, i.e., whether law enforcement or humanitarian."

ICE RESPONSE: Concur, AMOC's senior leadership will define the appropriate reports required as a follow-up to performance measures development. Those reports will include suggestions from the IG Audit. Work in progress.

Attachment

We recommend that the AMO Director:

Recommendation 1: Revise AMOC guidelines for providing assistance to federal, state, and local agencies in law enforcement and emergency humanitarian efforts to include procedures to verify the identity of the requestor, the organization of the requestor, the nature and type of the request, e.g., law enforcement or humanitarian, and the specific purpose for assistance. If existing procedures regarding staffing requirements or operational priorities are no longer valid or practical, AMO should update them to reflect what is reasonable and necessary.

Recommendation 2: Provide refresher training for all operations floor staff and reiterate the importance of understanding and following existing procedures to ensure that policies and procedures for providing assistance to law enforcement agencies are properly and consistently followed.

Recommendation 3: Document the type of assistance provided, e.g., law enforcement or humanitarian, so that these statistics can be easily tracked by the new electronic contact database developed by AMOC.

Recommendation 4: Develop organizational performance measures and individual performance standards to evaluate the effectiveness and productivity of both AMOC and its personnel.

Recommendation 5: Prepare meaningful productivity reports to show workload statistics that measure overall operations floor and individual DSS productivity. These reports should also document the number and type of assistance provided, i.e., whether law enforcement or humanitarian.

Appendix 4
Major Contributors To This Report

Alexander Best, Jr., Director, Border and Transportation Security Audit Division
Lynn Richardson, Audit Manager
Leigh Johnson-Steele, Auditor
Ronda Richardson, Auditor

Department of Homeland Security

Under Secretary, Border and Transportation Security
DHS OIG Liaison

Immigration and Customs Enforcement

Assistant Secretary
Director, Office of Air and Marine Operations
Director, Air and Marine Operations Center
ICE OIG Liaison

Office of Management and Budget

Homeland Bureau Chief
DHS OIG Budget Examiner

Congress

Committee on Governmental Affairs, United States Senate
Select Committee on Homeland Security, U.S. House of Representatives
Committee on Government Reform, U.S. House of Representatives
Committee on the Judiciary, U.S. House of Representatives

Redacted Transcript of First DPS Tape
(Originally Transcribed by AMOC Operations on June 25, 2003, with
Minor Clarifications Made by OIG)

ABBREVIATIONS:

AMICC Air and Marine Interdiction Coordination Center
AMOC Air and Marine Operations Center
AUS Austin-Bergstrom International Airport
DPS Department of Public Safety
FBO Fixed Base Operator
SAS Santa Fe Airport

LEGEND:

AMOC1: AMOC Senior Detection System Specialist1
AMOC2: AMOC Telecommunications Specialist
AMOC3: AMOC Detection System Specialist
AMOC4: AMOC Senior Detection System Specialist2
AMOC5: AMOC Senior Detection System Specialist3
DPS1: Texas Department of Public Safety

Start of Call

Call #1 (First Request)

AMOC1: AMICC radar, [AMOC1].

AMOC2: Yeah [AMOC1], here's a call for ya from Austin Texas.

AMOC1: Okay. Hello this is [AMOC1].

DPS1: [AMOC1], my name is [DPS1] with the Texas Department of Public Safety in Austin Texas, how ya doing?

AMOC1: Good.

DPS1: I have twelve tail numbers that left out of an FBO in Austin Texas on Saturday night Sunday morning.

AMOC1: Uh-huh.

DPS1: And what I'm looking for is a...common...uh...I'm sure they all had to fly...file flight plans cause they were multi engine big planes.

AMOC1: Uh-huh.

DPS1: I'm looking for a common destination...that that...I don't know what plane I'm looking for...I'm looking for three or four of the planes that went to a specific location.

AMOC1: Okay.

DPS1: Would you...what could I, ...how would I be able to get that information?

AMOC1: Uh...well uh let me hand you off to the uh...uh...to the gulf coast desk and he'll take the tail numbers, he can run them for ya...and uh...it will take a little while and he'll probably have to call you back.

DPS1: All right appreciate it.

AMOC1: Uh...and then we can see if we got anything common to them.

DPS1: Thank you.

AMOC1: Hold on just a minute.

End of conversation – call transferred

Dial tone

AMOC3: Hello.

DPS1: Yes, this is [DPS1] with DPS.

AMOC3: Yeah.

DPS1: Uh...whom I speaking with?

AMOC3: This is [AMOC3].

Attachment
Redacted Transcript of First DPS Tape

DPS1: [AMOC3], what I have...is I have twelve...uh about fourteen...uh tail numbers that all left from the same FBO...Saturday night and Sunday morning.

AMOC3: Uh-huh.

DPS1: And they all...I'm looking for...where two or three of them went to the same destination.

AMOC3: Okay let me have the numbers.

DPS1: You ready?

AMOC3: Yeah...(garbled, sounds like if I thought) they have to file a flight plan...if they didn't there's no way of telling.

DPS1: I understand that, but I ...these are all multi-engine...pretty big planes.

AMOC3: Okay.

DPS1: So I feel comfortable they did. Now I...I'm not...I don't know airplane jargon so you'll have to bear with me a little bit.

AMOC3: Okay, all need is the tail numbers.

DPS1: Alright...598 Charles William.

AMOC3: 598 Charlie Whisky.

DPS1: Nine hundred, Queen Sam.

AMOC3: Quebec Sierra...(laugh)...oh that first one was Charlie Whisky right?

DPS1: Yeah, Charlie, yeah.

AMOC3: For some reason I wrote Charlie Sierra.

DPS1: Okay.

AMOC3: Okay, go ahead third one?

DPS1: Uh...nine hundred...okay the third one was 401...uh...G...J or George, John.

AMOC3: Gulf Juliet.

DPS1: Okay, I ...I...(Garbled)

AMOC3: I've...I've been with ya. (Laugh)

DPS1: 3541 Queen.

AMOC3: One...Quebec, okay.

DPS1: Uh...ninety-eight, three Quebec Sam.

AMOC3: Three...(Garbled).

DPS1: Sierra, Sierra.

AMOC3: Sierra.

DPS1: 376 Quebec Sierra.

AMOC3: Okay.

DPS1: 288 Charlie Whisky.

AMOC3: Okay.

DPS1: Uh...106 Sierra Tom.

AMOC3: Tango.

DPS1: Tango, I'm...I'm...I'm learning (laughing) 364...Lincoln Quebec.

AMOC3: Lima Quebec.

DPS1: 829...nor...uh...November...uh...Lincoln...er.

AMOC3: Lima.

Attachment
Redacted Transcript of First DPS Tape

DPS1: Lima, 306 Quebec Sierra.

AMOC3: Okay.

DPS1: And seven, excuse me, 676 Quebec Sierra.

AMOC3: Okay.

DPS1: 914 Sierra Henry.

AMOC3: Sierra Hotel.

DPS1: And 446 Charlie Whisky.

AMOC3: Charlie Whisky, ya got a callback number?

DPS1: Uh...yes sir, its 512-424...uh...hold on just a second, 512-424-57...uh 68.

AMOC3: Okay, I'll call...I'll be calling you back.

DPS1: Thank you sir, bye-bye.

AMOC3: Right

End of Call

Call #2 (First Request)

Dial tone

Ringling

DPS1: This is [DPS1].

AMOC3: Hey this is [AMOC3].

DPS1: Yes Sir.

AMOC3: Hey when did these guys take off?

DPS1: Oh, uh.... the first three took off on the 10th and out the 10th (Garbled) after 8 o'clock.

AMOC3: Uh-huh.

DPS1: The rest took off Sunday...probably between 6 am and noon.

AMOC3: Okay, I just needed the date, so I have to go back in to the archives.

DPS1: Okay then...the one was on the...I guess 10th and the other was on the 11th.

AMOC3: Okay, thank you.

DPS1: Bye-bye [AMOC3].

End of call

Call #3 (First Request)

Dial tone

Ringling

RECORDING: You've reached the office of [DPS1], criminal law enforcement, I'm unable to...get to the phone right now, if you'll leave a name and number I'll get back with you. (Beep)

AMOC3: Hey [DPS1] this is [AMOC3] with Customs, uh...you never...you told me they took off out of the same FBO, uh...Oh, I need to find out which FBO it was so I'll know which uh...which airport to look for that uh.... that these guys took off out of, so if you could give me a call back, thank you.

End of call

Call #4 (First Request)

Unidentified person saying “yeah”

AMOC4: AMICC, [AMOC4].

DPS1: Hey, Hey...ho hold on a second okay...hold on. Uh...[AMOC3]?

AMOC4: Who?

DPS1: [AMOC3]?

AMOC4: [AMOC3] who?

DPS1: I don't know his last name...uh...he was at the gulf coast desk.

AMOC4: Okay hold on.

Dial tone

AMOC3: Hello.

DPS1: [AMOC3]?

AMOC3: This [DPS1]?

DPS1: Yeah.

AMOC3: Hey uh...what airport what FBO airport...did they take off?

DPS1: Signature aviation out of Austin...uh.

AMOC3: Okay.

DPS1: (garbled) Bergstrom International.

AMOC3: We've been trying to figure which airport they took...there's a lot departures out of different places.

DPS1: I...I know and I apologize...as soon as you...you said that I said dad-gumit I forgot to (unintelligible). Yeah but it out of Signature Aviation...uh...Austin-Bergstrom International.

AMOC3: Okay just out of Austin...AUS.

DPS1: Yeah.

AMOC3: Okay so far we've only found one that's taken off out of there that filed a flight plan, the rest of them...the earliest one is 6 May that they took off out of, and the next three are... none...uh but we'll get all the ones out of Austin together and then I'll call you back.

DPS1: Alright...what...what...I tell you what ...you know that...where it starts at 3541.... uh Quebec.

AMOC3: Uh-huh.

DPS1: It's gonna probably...that gonna probably be...the...the ...the Sunday morning.

AMOC3: Yeah, 3541 Quebec there was nothing.

DPS1: Okay.

AMOC3: I'll run him again in...November 3541...Quebec.

DPS1: And those would've been on the 11th.

AMOC3: And deep archives...so he had to...there's nothing even in deep archives that he ever filed a flight plan.

DPS1: Okay. Uh...what about the other ones?

AMOC3: I've only got...uh...one...two, three, four, five, six of them done so far...and uh...two of them are 6 May, one of them was nothing, uh...two of them was uh...three of them was nothing...and the 376 Quebec Sierra uh...was uh... out of the Bahamas.

DPS1: Okay.

AMOC3: And I haven't got the last of them, and one of them is out of Austin so far...

DPS1: Okay then.

AMOC3: ...on 12 May though.

DPS1: But...which one...on 12 May?

AMOC3: That was today.

DPS1: Oh...Okay.

AMOC3: That was 914 Sierra Hotel...so that wouldn't matter; it would be the 10th or the 11th you're looking for.

DPS1: Exactly.

AMOC3: Yeah, okay, thank you sir.

DPS1: Yeah, bye-bye.

End of call

Call #5 (First Request)

Dial tone

Ringling

DPS1: This is [DPS1].

AMOC3: This is [AMOC3].

DPS1: Yes sir.

AMOC3: Okay, I only had two departures...uh...three departures out of Austin, and only two of them on the 11th and.... neither one of them went to the same place, one went to David Wayne Hooks and one of them...let's see where SAS is at.

DPS1: S...that's SAS.

AMOC3: That's Santa Fe.

DPS1: One of them went to Santa Fe?

AMOC3:SA...I am checking to see which one that is...(someone in background: "what, what number?") yeah Santa Fe, New Mexico. (Someone in background: "thanks")

DPS1: Which one went to Santa Fe?

AMOC3: That was 106 Sierra Tango. And he went there on the 11th.

DPS1: I sure do appreciate it.

AMOC3: Not a problem.

DPS1: Thank ya.

AMOC3: Alright, bye.

DPS1: Bye-Bye.

End of call

Call #6 (First Call of Second Request)

(Transcribed by AMOC Operations on June 26, 2003)

Dial Tone

AMOC5: Operations, [AMOC5]

DPS1: Uh... Texas desk.

AMOC5: Stand by.

OIG ROI, dated June 13, 2003, picked up here.

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