

Air marshals struggle with ‘growing pains’

Autonomy of field offices creates bumpy ride for rank-and-file

Federal air marshals are shown here performing tactical training inside a retired airliner. On the job, they must adhere to a dress code that some say makes them easily identifiable.

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WASHINGTON - Nearly three years after the government’s dramatic resurrection of the moribund Federal Air Marshal Service in the aftermath of 9/11, the agency is hitting turbulence as it struggles with what one agency official called “growing pains.”

A recent incident, as well as a new ad hoc policy directive, indicates that the ride could be getting bumpier for the high-profile agency before it gets better:

- The incident involved two federal air marshals from the Cleveland office who were recently stopped from boarding the plane they were assigned to protect because of a dispute with an air marshal supervisor regarding the agency’s dress code standards, MSNBC.com has learned. The plane then took off without any air marshals aboard.
- The policy directive, which applies to air marshals only in certain parts of the country, requires the submittal of at least one “surveillance detection report” (SDR) per month, MSNBC.com has learned. These reports are used by rank-and-file air marshals to detail and track suspicious activity and are then analyzed by intelligence experts looking for possible terrorist trends. A directive mandating the submission of these reports creates a “ticket quota” mentality, one air marshal supervisor told MSNBC.com. Worse, such a mandate encourages filing bogus intelligence reports. “I had nothing to report, so I filed a false report,” an air marshal told MSNBC.com when questioned about the effect of the policy.

Two federal air marshals were stopped from boarding the plane they were assigned to protect because of a dispute with a supervisor regarding the agency’s dress code standards.

Both of these instances reflect the wide latitude supervisors of the agency’s 21 field offices are given when interpreting and implementing agency policy. The situations suggest that agency policies can vary greatly from one field office to another, putting rank-and-file air marshals at odds with supervisors.

The dress code issue is perhaps the most visible example of the disconnect between management and working air marshals.

Air marshals have been upset with the agency’s dress code since it was officially instituted early in the agency’s life. Rank-and-file marshals claim the “suit and tie” dress code makes them too conspicuous to other passengers and by extension, any terrorists who might be lurking.

Frank Terreri, president of the air marshal chapter of the Federal Law Enforcement Officers Association, called the dress code “deadly” in a letter last year to agency director Thomas Quinn and has lobbied him to modify it.

During a recent congressional hearing, Homeland Security Secretary Tom Ridge, when questioned on whether the dress code put marshals at risk, said the standards would be reviewed and changed if needed.

The agency declined to provide the exact language of its official dress code, citing operational security concerns. However, “there is flexibility [in the dress code] depending on what mission the [air marshal] is going to fly,” said Dave Adams, a spokesman for the Air Marshal Service.

Adams declined, however, to comment specifically on the Cleveland dress code incident saying, “We do not discuss internal issues involving our personnel.” However, Adams did say that the service “adheres to professional standards to instill confidence and respect to both passengers and crew, especially if an

emergency arises at 30,000 feet.”

The field office supervisors, “because of their vast experience as being senior managers within different [federal law enforcement] departments prior to [joining the air marshal service], do have some flexibility in their internal procedures or running their offices,” Adams said.

Rogue policy?

The relative autonomy given to the field offices may have allowed some air marshal officials to overstep their authority by instituting an unauthorized intelligence reporting quota, MSNBC.com has learned.

“Beginning in July 2004, each FAM [federal air marshal] must prepare one SDR [surveillance detection report] per month,” says an internal air marshal service e-mail obtained by MSNBC.com. “The object of this instruction is to make you more alert to your surroundings not to generate bogus reports. However, this is part of your performance appraisal and you must prepare one a month,” the e-mail says.

‘There may come an occasion when you just don’t see anything out of the ordinary for a month at a time, but I’m sure if you are looking for it, you’ll see something.’ — Internal e-mail Federal Air Marshal Service

Another internal e-mail obtained by MSNBC.com addressing the same issue says: “There may come an occasion when you just don’t see anything out of the ordinary for a month at a time, but I’m sure if you are looking for it, you’ll see something.”

Part of the air marshals’ job is to file SDRs “any time they see anything of a suspicious nature,” Adams said. “Obviously the federal air marshals are out there everyday in the aviation domain and who better than them to know what’s out of the norm?” noted Adams.

When asked about the mandatory SDR filing policy noted in the internal e-mails, Adams said “there is no mandatory requirement that [air marshals] must send in an SDR once a month for any appraisal purposes,” adding, “we want pertinent, valuable information sent in.”

Growing room

Any disparity in policy among the various field offices should be chalked up to an agency that “is kind of like newly poured concrete,” said one field office supervisor. “There just hasn’t been enough time for the concrete to harden up.”

This supervisor, who like others in this story spoke on the condition of anonymity, said the air marshal service is “still going through growing pains.... It’s a matter of getting the agency built out,” he said. “I think it’s going to be the best place to work in federal law enforcement in a couple of years, to tell you the truth. And it will just take time for all these problems to sort out.”

One of these long-standing problems within the agency has been a conspicuous lack of promotion of rank-and-file air marshals into supervisory positions. Until now.

“Applications are being vetted right now, and we anticipate, hopefully within the next 60 days, to announce some [promotions to] supervisory positions drawn from within the rank-and-file FAMs,” Adams said.

Air marshals also are slowly expanding their roles in other areas of law enforcement, such as being assigned to work with various Joint Terrorism Task Forces, in which they work with other members of federal law enforcement on terrorism-related cases. In addition, the entire agency transferred from being under the control of the Transportation Security Agency into Immigrations and Customs Enforcement late last year.

“ICE offers the air marshal service multiple investigative resources, such as additional access to intelligence, better coordination with other law enforcement agencies, and broader training opportunities,” said Michael Garcia, assistant secretary for the bureau, at the time of the move.

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