

**DEPARTMENT OF HOMELAND SECURITY  
OFFICE OF INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**I13-CBP-WFO-00549  
TECS Terrorist Records**



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**Homeland Security**

**REPORT OF INVESTIGATION**

<i>Case Number:</i>	I13-CBP-WFO-00549
<i>Case Title:</i>	TECS Terrorist Records U.S. Customs and Border Protection
<i>Report Status:</i>	Final
<i>Alleged Violation(s):</i>	18 U.S.C. § 2071 – Concealment, Removal or Mutilation Generally 5 U.S.C. § 2302 – Prohibited Personnel Practices

**SYNOPSIS**

The Department of Homeland Security, (DHS) Office of Inspector General (OIG), initiated this investigation after receipt of a letter from members of Congress, which requested an investigation into the alleged alteration and/or deletion of TECS records dealing with possible links to terrorism. Additionally, the letter requested an investigation into the circumstances of the alleged administrative actions against the DHS complainant and whether the actions were appropriate.

The complainant alleged that DHS and/or the U.S Customs and Border Protection (CBP) are not taking the steps necessary to ensure subjects associated with terrorist organizations are added to the Terrorist Screening Database (TSDB). A DHS OIG review of the procedure revealed that DHS and CBP have a vetting process in place at the National Targeting Center (NTC) which ensures terrorism suspects can be added to the TSDB without causing undue hardship to individuals who have been misidentified.

DHS OIG uncovered no evidence of retaliation against the complainant by his chain-of-command. It was determined that the complainant violated CBP policy by entering terrorist lookouts into the TECS system. The complainant was not disciplined, but was ordered to modify the records so they were in compliance with CBP policy. When the complainant attempted to again circumvent CBP policy by entering TECS records using an alternate configuration, [REDACTED] was appropriately reprimanded.

Interviews revealed that the complainant is [REDACTED] knowledge on [REDACTED] was routinely described as “passionate” about [REDACTED] job. Investigation revealed that the complainant routinely operated outside of CBP policy and failed to use good judgment when linking individuals to terrorist organizations. [REDACTED] eventually linked so many travelers to extremist

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Title: Special Agent - WFO	Date: 3/19/14	Headquarters	1 cc
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Name: [REDACTED]	Signature: [REDACTED]		
Title: A/Special Agent in Charge - WFO	Date: 03/19/14		

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organizations (often for unsubstantiated reasons), that [REDACTED] links were disregarded. Many of those interviewed expressed an opinion that the complainant would be a valuable asset to CBP if [REDACTED] was closely monitored to ensure [REDACTED] worked within the established guidelines of CBP policy.

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### DETAILS

On August 7, 2013, the Department of Homeland Security (DHS), Office of Inspector General (OIG), initiated this investigation after DHS OIG senior management received a letter from Michael T. McCaul, Congressman, Chairman of the House Committee on Homeland Security, and Tom Coburn, Senator, Ranking Member of the Senate Homeland Security and Governmental Affairs Committee, which requested an investigation into the alleged alteration and/or deletion of TECS records dealing with possible links to terrorism. Additionally, the letter requested an investigation into the circumstances of the alleged administrative actions against the DHS complainant and whether the actions were appropriate. (Exhibit 1)

**Allegation #1: DHS and U.S. Customs and Border Protection (CBP) are not taking the steps necessary to ensure subjects associated with terrorist organizations are prevented from entering the United States by listing them on the Terrorist Screening Database (TSDB).**

On August 30, 2013, [REDACTED] CBP, [REDACTED] was interviewed via telephone by DHS OIG. [REDACTED] stated that while assigned to [REDACTED] at [REDACTED] [REDACTED] in [REDACTED] added approximately 15-20 Memorandum of Intelligence Reports (MOIRs) to [REDACTED] executive summary in TECS. [REDACTED] subsequently added linked records to those MOIRs, resulting in approximately 820 TECS records.

It was determined by CBP management that those 820 TECS records conflicted with a 2007 CBP Memorandum entitled "Guidance for Nominating Known or Suspected Terrorists to the Terrorist Screening Database" (revised and reissued by CBP in 2010). In order to be in compliance with CBP policy, [REDACTED] was ordered by [REDACTED] supervisors to modify all 820 records and remove all references to terrorism.

[REDACTED] was [REDACTED] the National Targeting Center (NTC), Reston, VA, from [REDACTED] to [REDACTED]. While there, [REDACTED] was assigned to work on [REDACTED] Project (the "[REDACTED]" or "[REDACTED]"). Upon [REDACTED] return to [REDACTED] [REDACTED] continued to work on [REDACTED] Project by making TECS entries without the oversight of the NTC. The NTC contacted CBP management in [REDACTED] and informed them that [REDACTED] was not authorized to continue work on [REDACTED] Project. [REDACTED] was again instructed to modify [REDACTED] TECS entries to conform to the CBP policy on TECS entries. This time, [REDACTED] [REDACTED] violating the TECS entry policy. (Exhibit 2)

On September 25, 2013, [REDACTED], [REDACTED] at the NTC, was interviewed by DHS OIG. [REDACTED] stated that the proper process for a CBP officer to nominate a subject to the Watchlist requires the officer to submit the nomination to his supervisor (GS-13 or above). After reviewing the nomination, the supervisor can forward it to the NTC, or they can refuse to submit it. A CBP supervisor does not have to forward nominations they feel are not worthy of submission.

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According to [REDACTED] the creation of a TECS record for NTC purposes is a Standardized Operating Procedure. (Exhibit 3)

Also on September 25, 2013, [REDACTED], CBP, [REDACTED] [REDACTED] at the NTC, was interviewed by DHS OIG. [REDACTED] stated that while [REDACTED] was [REDACTED] the NTC, [REDACTED] was assigned to the [REDACTED] Project. [REDACTED] was known to [REDACTED] the assignment on which [REDACTED] was working. After [REDACTED] the NTC and [REDACTED] continued to work on the [REDACTED] Project, 7E even though [REDACTED] had no legitimate authority to do so. Since [REDACTED] departure however, the NTC had met with the DHS Privacy Office and the DHS Office for Civil Rights and Civil Liberties and narrowed the scope of the project.

[REDACTED] contacted [REDACTED] supervisors in [REDACTED] and requested that they instruct [REDACTED] not to reference the NTC project if [REDACTED] continued to do work on [REDACTED] explained to them that the project had evolved and the work [REDACTED] was doing was no longer in compliance with the newly established SOPs. (Exhibit 4) 7E

On November 13, 2013, [REDACTED] was again interviewed by DHS OIG. [REDACTED] showed the PowerPoint presentation [REDACTED] had given to Congressional staff members and turned over a copy of files contained on an IronKey thumb drive to DHS OIG. According to [REDACTED] the files provided were related to [REDACTED] complaint. (Exhibit 5)

On December 5, [REDACTED], CBP, NTC, was interviewed by DHS OIG. [REDACTED] said that the NTC maintains interaction with various law enforcement and intelligence agencies and the National Counter-Terrorism Center (NCTC), and that he has come to realize that no single agency knows the "whole picture". The NTC processes approximately [REDACTED] 7E per CBP nominations to the watch list annually, so it is obvious that not everyone with ties to terrorists/terrorism is already linked. [REDACTED] stated it is so important to get suspects nominated to the NTC in an expedient manner. [REDACTED] did not agree with the TECS records modification and believed the information should have remained in TECS if it were relevant and accurate. (Exhibit 6)

On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] stated that per CBP policy, CBP officers were not allowed to create terrorist-related lookouts in TECS. 7E per CBP

[REDACTED] 7E per CBP [REDACTED] 7E per CBP [REDACTED] explained that CBP officers who felt an individual needed to be placed in the TSDB were to complete a nomination package on that subject and forward it to the NTC for proper vetting.

[REDACTED] stated that some of the MOIRs [REDACTED] entered into TECS contained potentially valuable information; however, the information could not be easily accessed by line officers. First, [REDACTED] MOIRs were incredibly detailed and not easily read for relevant content. Second, the reports were

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derived from open-source material which could not be readily verified. [REDACTED] stated that this underscored the need for [REDACTED] to submit individuals to the NTC through the nomination process so that all of [REDACTED] gathered intelligence could be read through and verified. CBP, particularly at the port, did not have the resources to validate all of [REDACTED] work.

[REDACTED] stated that he has [REDACTED] years of experience with CBP and he is comfortable with CBP's policy on how terrorist-related records are entered into TECS. He believes the policy of nominating people to the watchlist rather than CBP officers creating lookouts independently is a good one. (Exhibit 7)

On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] stated that in 2010, his [REDACTED] [REDACTED] "scrub" the TECS records entered by [REDACTED] which were terrorist-related. [REDACTED] said there were "hundreds of them". [REDACTED] remove the terrorism references from the records. [REDACTED] remove lookouts on subjects who were previously [REDACTED] (watchlisted) but had been downgraded. [REDACTED] recognized at the time that this was a "big deal". [REDACTED] knew modifying the records was the right thing to do, but he also recognized that [REDACTED] was doing a good job, and he did not want to discourage [REDACTED]

[REDACTED] said that [REDACTED] records were causing individuals entering the country (regardless of which port they entered) to be referred to secondary screening multiple times. [REDACTED] said that [REDACTED] considered individuals "guilty by association". [REDACTED] created subject records in TECS on individuals because they attended open conferences or seminars with watchlisted subjects. [REDACTED] connections were too tenuous, or were gained through open-source material which could not be verified.

[REDACTED] stated that it was a CBP officer's (CBPO) job to conduct inspections and report the results to the NTC, who had "the big picture". According to [REDACTED] it is not a CBP officer's job to create lookouts. (Exhibit 8)

On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. In August 2013, [REDACTED] was working as [REDACTED] when [REDACTED] entered an incident log report (IOIL) into TECS which required [REDACTED] approval. IOILs, unlike a MOIR, are supposed to be the result of a personal interview or screening of a subject. [REDACTED] was aware of policy which indicated [REDACTED] should not be entering "third party" intelligence information into TECS using an IOIL instead of an MOIR. [REDACTED] did not approve the TECS entry [REDACTED] [REDACTED] the CBP policy. [REDACTED] attempt to enter intelligence information into TECS via the IOIL instead of the MOIR, and [REDACTED] attempt to have [REDACTED] (who is [REDACTED]) [REDACTED] were viewed as attempts by [REDACTED] to circumvent [REDACTED] [REDACTED] mandate that all of [REDACTED] MOIRs were to be routed through him for review.

[REDACTED] believes that the current system for entering terrorist-related subject records works well. He stated that the policy provides for a system of "checks and balances" and keeps TECS from being

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“flooded with junk”. ██████ stated that he thinks the NTC is the best entity to review intelligence provided by CBPOs and ensure that only quality information is uploaded to the system. (Exhibit 9)

On January 6, 2014, ██████, DHS Office for Civil Rights and Civil Liberties (CRCL), Washington, DC, was interviewed by DHS OIG. ██████ stated that current watchlisting guidelines ensure that an individual is not watchlisted based solely on protected activity (i.e. practices protected by the U.S. Constitution). The Watchlisting Guidance Policy is maintained by the Screening Coordination Office (SCO) within the DHS Office of Policy.

██████ described ██████ action of entering individuals into TECS with language that links them to terrorist activity without utilizing the nomination process through NTC as “totally inappropriate”. ██████ stated that had ██████ followed the nomination process, the NTC would have ensured that subjects were not entered into TECS based solely on religious affiliation. (Exhibit 10)

On January 9, 2014, ██████, CBP, NTC, was interviewed by DHS OIG. ██████ said ██████ sometimes created links without enough information to justify the links. ██████ stated that doing so only “waters down” important cases that are forwarded to the Department of State for further adjudication. ██████ said that he agrees with the nomination process currently in place. He stated DHS and CBP are doing what is necessary to ensure subjects who need to be in the system are put in the system. (Exhibit 11)

On January 27, 2014, ██████, CBP, ██████ was interviewed by DHS OIG. ██████ advised that he refused to forward any of ██████ nomination packets up the chain-of-command. ██████ CBP had instituted a committee to review ██████ nominations before they were forwarded to the NTC, so ██████ would not have forwarded any of the packets directly to the NTC. (Exhibit 19)

On January 31, 2014, ██████, CBP, ██████ was interviewed by DHS OIG. ██████ stated he is aware that no CBPO is allowed to enter information into TECS with the wording describing someone as a terrorist or part of a terrorist group. This information would be forwarded to NTC for review and ultimately the decision to classify someone or some group as a terrorist or terrorist group would be determined by the NTC. 7E per CBP  
7E per CBP ██████ stated he was never instructed by his supervisor to not approve ██████ TECS records. (Exhibit 20)

**Allegation #2: ██████ was retaliated against by CBP management for actions ██████ describes as “whistle-blowing”.**

On August 22, 2013, ██████ Customs and Border Protection ██████ was interviewed by DHS OIG. ██████ stated that when he was first assigned to the Passenger Analysis Unit (PAU), all CBPOs were instructed to put as much information on individuals and terrorists into TECS as possible. ██████ stated this policy changed

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in the late 2000s, and all CBPOs were given protocols to follow to have terrorist information uploaded into TECS.

The policy stated the CBPO will provide the terrorist information to his supervisor who will forward the information up the CBP chain-of-command. [REDACTED] stated that if CBP management concurred with the information, they would forward the information to the NTC for final vetting. [REDACTED] advised that no CBPO was allowed to put in terrorist lookouts or terrorist information in TECS without going through this protocol.

[REDACTED] stated he [REDACTED] CBP, [REDACTED] a project related to multiple terrorist lookout records TECS. [REDACTED] said [REDACTED] advised that [REDACTED] had entered hundreds of records that were outside the CBP policy guidelines as they related to TECS entries for terrorists. [REDACTED] a project to remove or modify the TECS entries to conform to the current policies of CBP. [REDACTED] stated that to the best of his recollection, there were nearly 1000 TECS records that needed to be modified. [REDACTED] advised that it took [REDACTED] approximately 6 months to complete the TECS modifications.

[REDACTED] stated that [REDACTED] was given standard verbiage to input into the TECS record of all the records [REDACTED] modified. [REDACTED] stated some of the information [REDACTED] was using to place terrorist lookouts on individuals was coming from newspapers, online inquiries and public sources of knowledge. This information was not corroborated through [REDACTED] personal contact with the individuals.

After [REDACTED] completed this project [REDACTED] was assigned to the [REDACTED] [REDACTED] advised that [REDACTED] was assigned to [REDACTED] while [REDACTED] however, [REDACTED] decided to [REDACTED] [REDACTED] did not get selected for [REDACTED] due to [REDACTED] having less seniority than other CBPOs who bid on this position. [REDACTED] indicated he does not believe [REDACTED] was retaliated against by CBP management by not being selected for [REDACTED] and believes it was based solely on seniority. (Exhibit 12)

On August 22, 2013, [REDACTED], CBP, was interviewed by DHS OIG. [REDACTED] advised that [REDACTED] recently issued [REDACTED], to [REDACTED] improperly entering TECS records as it related to terrorist organizations. [REDACTED] stated [REDACTED] that the CBP policy does not allow CBPOs to create TECS records which are directly related to terrorism. (Exhibit 13)

On August 22, 2013, [REDACTED], CBP, [REDACTED], was interviewed by DHS OIG. [REDACTED] stated that CBP policy states any CBPO who believes an individual is involved in terrorist activities can submit a nomination packet through their chain-of-command to be reviewed by the NTC. [REDACTED] recounted several instances whereby [REDACTED] operated outside of the CBP guidelines as they relate to the entering of terrorist suspects in TECS.

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██████████ stated he advised ██████████, CBP, ██████████, of this information and ██████████ was instructed to correct all the information ██████████ input into TECS which was outside of CBP policy. (Exhibit 14)

Also on August 22, 2013, ██████████, CBP, ██████████ was interviewed by DHS OIG. ██████████ stated he ██████████ the internal review of CBP ██████████ terrorist records. After this review was conducted they determined that hundreds of TECS records attributed to ██████████ where in the TECS system but outside of the parameters of the CBP policy as it related to terrorists records. ██████████ stated the review determined ██████████ would devote one hundred percent of ██████████ time to modifying ██████████ TECS records to be compliant with CBP policy.

██████████ advised ██████████ gave ██████████ specific instructions as how to modify the TECS records and provided ██████████ will multiple emails of his instructions concerning this modification. ██████████ stated after ██████████ completed this project ██████████ was given the opportunity to nominate any individuals or organizations that ██████████ felt needed to be vetted by the NTC. ██████████ stated he does not recall ██████████ submitting any nomination after this project.

██████████ stated he received information on August 20, 2013, regarding ██████████ again entering terrorist information in TECS. ██████████ stated ██████████ was trying to circumvent the system by entering terrorist information into TECS through an MOIR, Incident Log. The CBP policy on incident log entries states that the CBPO entering the information must have personal contact with the individual at a port of entry. ██████████ did not have personal contact with the individuals ██████████ entered the reports in TECS. (Exhibit 15)

On September 25, 2013, ██████████, CBP, NTC was interviewed by DHS OIG. ██████████ said that ██████████ was known for "██████████". He described ██████████ as "passionate" and "adamant" while working on the assigned task, but said that ██████████ "target development was on ██████████ own". ██████████ stated that if CBPOs entered TECS records that are not in compliance with SOPs, it is appropriate that the owner of the records must modify them to be in compliance. (Exhibit 16)

On December 5, 2013, ██████████, CBP, NTC, was interviewed by DHS OIG. ██████████ met ██████████ for the first time while ██████████ ██████████ acted as ██████████ did not consider himself ██████████ ██████████ stated that ██████████ research was very thorough and ██████████ was very accurate. ██████████ displayed a high level of expertise in ██████████ field. ██████████ stated that ██████████ needed someone to make sure ██████████ stayed within the guidelines they had to operate under. ██████████ said that ██████████ "never erred on the side of the traveler". ██████████ also saw nothing wrong with ██████████ linking records to the NTC ██████████ Initiative; however, ██████████ was later required to remove ██████████ references from his TECS entries. (Exhibit 17)

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On December 17, 2013, [REDACTED], CBP, [REDACTED] was interviewed by DHS OIG. [REDACTED] said that [REDACTED] would not have been able to enter records into TECS without supervisor approval; however, prior to the initial records modification in 2010, no one had any idea that what [REDACTED] was doing was a problem. According to [REDACTED] the records modification in 2010 was not a disciplinary action or punitive in nature. CBP management just realized that [REDACTED] records were not in compliance with CBP policy, so the records were modified. [REDACTED] was disciplined after the 2012 incident because [REDACTED] had known by then that [REDACTED] was not allowed to enter terrorist-related lookouts in TECS.

[REDACTED] stated that he would not be surprised if [REDACTED] career had suffered because of the incident in 2012, but he had no direct knowledge of any specifics. According to [REDACTED] [REDACTED] had done nothing wrong up to that point, but when [REDACTED] continued to enter terrorist-related data after being told not to, [REDACTED] was disobeying a direct order. Obviously, that could negatively affect [REDACTED] career. [REDACTED] said [REDACTED] is very good at what [REDACTED] does, but [REDACTED] needs to be monitored to ensure [REDACTED] stays within CBP policy. (Exhibit 8)

On December 17, 2013, [REDACTED], CBP, [REDACTED], was interviewed by DHS OIG. [REDACTED] stated [REDACTED] meetings with [REDACTED] and described each as a "broken record" of the previous meeting. [REDACTED] said [REDACTED] [REDACTED] that there is a process for creating an entry based on official information, and open-source material found on the Internet is not "official information". [REDACTED] stated that he warned the NTC that [REDACTED] reports were derived from unverified open-source material and needed to be vetted. [REDACTED] said that [REDACTED] reports are not properly annotated so that an intelligence analyst could independently verify the sources of [REDACTED] information. [REDACTED] also noted that [REDACTED] reports are too complex and need to be written in layman's terms. (Exhibit 18)

On January 9, 2014, [REDACTED] CBP, NTC, was interviewed by DHS OIG. [REDACTED] described [REDACTED] as an "asset to CBP". He stated that [REDACTED] was "extremely intelligent" and has a "ton of knowledge". [REDACTED] went on to say [REDACTED] does not know how to focus [REDACTED] information. He stated that [REDACTED] once [REDACTED] [REDACTED]. [REDACTED] said it was just a "matter of common sense" that you would not [REDACTED]. [REDACTED] described some of [REDACTED] links as "genius", but said there were also plenty of links that no one but [REDACTED] understood. While [REDACTED] was [REDACTED] at the NTC, [REDACTED] had to regulate a lot of [REDACTED] work. (Exhibit 11)

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### EXHIBITS

<u>NUMBER</u>	<u>DESCRIPTION</u>
1	Memorandum of Activity dated August 21, 2013, Other – Case Predication.
2	Memorandum of Activity dated September 3, 2013, Personal Interview: [REDACTED] [REDACTED].
3	Memorandum of Activity dated September 25, 2013, Personal Interview: [REDACTED] [REDACTED], Customs and Border Protection.
4	Memorandum of Activity dated September 25, 2013, Personal Interview: [REDACTED] [REDACTED], Customs and Border Protection.
5	Memorandum of Activity dated November 13, 2013, Personal Interview: [REDACTED] [REDACTED] Customs and Border Protection.
6	Memorandum of Activity dated December 6, 2013, Personal Interview: [REDACTED] [REDACTED], Customs and Border Protection.
7	Memorandum of Activity dated December 18, 2013, Personal Interview: [REDACTED] [REDACTED] Customs and Border Protection.
8	Memorandum of Activity dated December 18, 2013, Interview of [REDACTED] Customs and Border Protection.
9	Memorandum of Activity dated December 18, 2013, Personal Interview: [REDACTED] [REDACTED] Customs and Border Protection.
10	Memorandum of Activity dated January 6, 2014, Telephonic Interview: [REDACTED] [REDACTED] DHS Civil Rights and Civil Liberties.
11	Memorandum of Activity dated January 10, 2014, Personal Interview: [REDACTED] [REDACTED], Customs and Border Security.
12	Memorandum of Activity dated September 9, 2013, Interview of [REDACTED] [REDACTED]
13	Memorandum of Activity dated September 9, 2013, Interview of CBP [REDACTED] [REDACTED]

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- 14 Memorandum of Activity dated September 9, 2013, Interview of CBP [REDACTED]  
[REDACTED].
- 15 Memorandum of Activity dated September 9, 2013, Interview of CBP [REDACTED]  
[REDACTED].
- 16 Memorandum of Activity dated September 25, 2013, Personal Interview: [REDACTED]  
[REDACTED] Customs and Border Protection.
- 17 Memorandum of Activity dated December 6, 2013, Personal Interview: [REDACTED]  
[REDACTED] Customs and Border Protection.
- 18 Memorandum of Activity dated December 18, 2013, Personal Interview: [REDACTED]  
[REDACTED] Customs and Border Protection.
- 19 Memorandum of Activity dated February 3, 2014, Interview of [REDACTED]  
[REDACTED].
- 20 Memorandum of Activity dated February 7, 2014, Interview of [REDACTED]  
[REDACTED].

### IMPORTANT NOTICE

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