

GAO

Report to the Honorable
Richard J. Durbin
United States Senate

March 2000

U.S. CUSTOMS SERVICE

Better Targeting of Airline Passengers for Personal Searches Could Produce Better Results



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United States General Accounting Office
Washington, D.C. 20548

General Government Division

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March 17, 2000

The Honorable Richard J. Durbin
United States Senate

Dear Senator Durbin:

The Customs Service faces a major challenge in effectively carrying out its drug interdiction and trade enforcement missions while facilitating the flow of cargo and persons into the United States. To carry out its mission, Customs inspectors are authorized to detain and search airline passengers they suspect may be bringing contraband, such as illegal drugs, into the country. Concerns have been raised about Customs' policies and procedures for selecting or "targeting" passengers for examinations and conducting personal searches, including strip-searches and x-rays.

Recently some airline passengers have filed lawsuits against the Customs Service claiming that they had been singled out by inspectors for examination on the basis of discriminatory practices and were inappropriately subjected to personal searches, particularly strip-searches.

Approximately 140 million passengers entered the United States on international flights during the two fiscal years 1997 and 1998. From these arriving international passengers, Customs inspectors selected about 102,000 passengers for some form of personal search.

You asked us to review Customs' policies and procedures for conducting personal searches and to determine the controls Customs has in place to ensure that airline passengers are not inappropriately selected or subjected to personal searches. Specifically, we agreed to provide information and analysis on Customs' personal search data to identify the characteristics—race (White, Hispanic, Asian, or Black) and gender—of passengers who were more or less likely to be subjected to more intrusive searches (i.e., strip-searched or x-rayed) and the results of searching those passengers. We also agreed to describe Customs' current policies and procedures for conducting personal searches and Customs' management controls over the personal search process.

Our analysis of personal search data for fiscal years 1997 and 1998 was limited to data contained in Customs databases and therefore focused on the passenger characteristics available for 102,000 arriving international

passengers whom Customs subjected to some form of personal search. As a result, we could not include in our analysis any information about the remainder of the approximately 140 million arriving international passengers, including passengers who had only their baggage searched.

Results in Brief

Inspectors select passengers for further examination on the basis of Customs' policies and procedures and their professional judgment and experience. Of those selected for further examination, about 102,000 passengers were subjected to some form of personal search. Of those 102,000 passengers, 95 percent were searched by inspectors for contraband (e.g., illegal drugs) or hidden weapons by patting the passenger's clothed body (commonly referred to as a frisk or patdown); 4 percent were strip-searched; and 1 percent were subjected to an x-ray exam. About 3 percent of the passengers only frisked or patted down had positive results (i.e., contraband was found); 23 percent of the strip-searches were positive; and 31 percent of the x-ray searches were positive.¹

Generally, searched passengers of particular races and gender were more likely than other passengers to be subjected to more intrusive types of personal searches (being strip-searched or x-rayed) after being subjected to frisks or patdowns. However, in some cases those types of passengers who were more likely to be subjected to more intrusive personal searches were not as likely to be found carrying contraband. Specifically, White men and women and Black women were more likely than Black men and Hispanic men and women to be strip-searched rather than patted down or frisked, but they were less likely to be found carrying contraband. The most pronounced difference occurred with Black women who were U.S. citizens. They were 9 times more likely than White women who were U.S. citizens to be x-rayed after being frisked or patted down in fiscal year 1998. But on the basis of x-ray results, Black women who were U.S. citizens were less than half as likely to be found carrying contraband as White women who were U.S. citizens. Some patterns of selecting passengers for more intrusive searches indicated that these more intrusive searches sometimes resulted in certain types of passengers being selected for such searches at rates that were not consistent with the rates of finding contraband.

We recommend that Customs compare the characteristics of those passengers subjected to personal searches with the results of those searches to better target passengers carrying contraband.

¹ Generally, Customs performs patdowns before conducting x-rays and strip-searches.

During the course of our review, Customs developed new policies and procedures for personal searches that include new requirements for supervisory review and approval and procedures intended to ensure that passengers subjected to personal searches know their rights. We identified four management controls, such as training provided to inspectors and supervisors on conducting personal searches and more systematic evaluation of complaints, that Customs uses to help ensure that inspectors use their search authority fairly and judiciously. In conjunction with improved data on the characteristics of those passengers subjected to personal searches, as recommended above, these policies and controls could better safeguard the rights of U.S. citizens and the traveling public.

Background

In addition to collecting revenue from international trade, Customs' mission is to ensure that goods and persons entering and exiting the United States do so in compliance with U.S. laws and regulations. The Customs Service is responsible for carrying out its trade enforcement and drug enforcement missions and facilitating the flow of cargo and persons into the United States.

Congress, in exercising its power to protect the nation's borders, has given Customs broad authority to conduct searches of persons and their luggage. Customs regulations provide that persons, such as passengers coming into the United States, are liable to inspection and a search by a Customs officer for carrying contraband, such as illegal drugs.

Customs' Search Authority

Routine border searches of persons entering the United States that are conducted without a warrant or probable cause in general have been held to be reasonable by the Supreme Court simply because the searches occur at the border, e.g., ports of entry. The Supreme Court has not defined a "routine" search at ports of entry, but various federal courts have made determinations on what constitutes a routine border search. Various federal courts, in general, have found that routine border searches require no suspicion or a low level of suspicion.

The Supreme Court has indicated that strip, x-ray, and body cavity searches would be considered nonroutine but has specifically not expressed a view on the level of suspicion required for such searches. Various federal courts, with some exceptions, have held that nonroutine searches require "reasonable suspicion" in order to be justified.

Passenger Inspections and Personal Searches

In fiscal year 1998, approximately 71.5 million passengers arrived at airports in the United States on international flights. When passenger data are available, some passengers entering the United States are subject to

record checks conducted by Customs inspectors prior to flight arrival. When passengers enter the United States, at the control point or “primary” inspection, INS inspectors are to perform record checks, ask passengers questions about their travel, and let them pass through the airport or refer them to Customs for further examination.

Passengers referred for further examination are sent to “secondary,” where Customs inspectors can subject passengers to additional questions and a search of their luggage and personal belongings. If an inspector suspects that a passenger may be carrying or smuggling contraband, the inspector may search a passenger’s clothing and ultimately subject the passenger to a personal search. Personal searches range from a frisk or a patdown to more intrusive searches that include strip-searches, body cavity searches, x-rays, and monitored bowel movements (MBMs). Customs inspectors carry out strip-searches.² Customs requires licensed medical personnel are required by Customs to perform the latter three types of searches at medical facilities.

According to Customs, the nature of the suspicion determines the degree of search or detention warranted. In other words, the greater the intrusion, the greater must be the reason for conducting the search. Less intrusive searches—frisks or patdowns—require “some” or “mere suspicion”³ by the inspector. Customs policy is that a patdown will be conducted only if an officer has some or mere suspicion that contraband is being concealed on the passenger. In addition, more intrusive searches require that an inspector have “reasonable suspicion”⁴ that a passenger may be smuggling contraband. Customs instructs inspectors never to use a person’s gender, race, color, religion, or ethnic background as a factor in determining any level of suspicion. Further, inspectors are required to articulate their facts or reasons for conducting a search and for each successive level of search and to obtain approval from a supervisor or the port director in advance of the search. Supervisory approval is not required for an immediate patdown for weapons (frisk). According to

² Inspectors of the same gender as the passenger are to conduct strip-searches. The revised Personal Search Handbook now refers to these types of searches as partial body searches.

³ According to Customs, “some” or “mere suspicion” is the minimal level of suspicion required to conduct a patdown search. By policy, Customs requires that inspectors are to articulate to a supervisor at least one fact (e.g., inconsistent answers to inspector’s questions) before conducting a patdown.

⁴ According to Customs, “reasonable suspicion” is more than some or mere suspicion and is based on specific, articulable facts. These facts, when taken together with reasonable inferences from these facts, would lead a reasonable officer (inspector) to suspect that a person might have merchandise contrary to law.

Customs' Personal Search Handbook (Handbook),⁵ if the officer cannot articulate such facts, then a patdown, strip-search, x-ray, body cavity search, or MBM detention should not be performed. Table 1 lists the current search type; the reason (or suspicion) for the search; and the official who can authorize the search, if required.

Table 1: Customs' Policies for Personal Search by Type, Suspicion Level, and Approving Official

Search type	Search type definition	Suspicion level required	Approval required
Immediate patdown (commonly referred to as a frisk)	A search necessary to ensure that a person is not carrying a weapon.	Suspicion that a weapon may be present.	No approval required.
Patdown for merchandise	A search for merchandise (including contraband) hidden on a person's body.	One articulable fact.	On-duty supervisor.
Partial body search	The removal of some of the clothing by a person to recover merchandise reasonably suspected to be concealed on the body.	Reasonable suspicion based on specific, articulable facts.	On-duty supervisor.
X-ray	The use of a medical x-ray by medical personnel to determine the presence of merchandise within the body.	Reasonable suspicion based on specific, articulable facts.	Port director and court order needed without the consent of suspect. Only port director needed with the suspect's consent.
Body cavity	Any visual or physical intrusion into the rectal or vaginal cavity.	Reasonable suspicion based on specific, articulable facts.	Port director and court order needed without the consent of suspect. Only port director needed with the suspect's consent.
MBM	The detention of a person for the purpose of determining whether contraband or other merchandise is concealed in the alimentary canal.	Reasonable suspicion based on specific, articulable facts.	Port director.

Source: U.S. Customs Service.

The Handbook provides direction and guidance to its inspectors when they conduct each type of personal search. The Handbook contains factors for inspectors to consider when making decisions to conduct a personal search. The factors have been grouped into six primary categories:

- **Behavioral analysis** is the recognition of physiological signs of nervousness. Examples include cold sweats, flushed face, and avoiding eye contact.
- **Observational techniques** involve recognizing physical discrepancies in appearance. Examples include unexplained bulges in clothing and an unnatural gait.

⁵Customs issued the Handbook in March 1997 and revised it in September 1999. The revisions were not in place when we did our analysis.

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- **Inconsistencies** are conflicts identified in the interview/and or documentation. Examples include catching the person making a false statement and an unreasonable explanation for travel.
 - **Intelligence** is information developed by another officer that may include information from automated intelligence systems.
 - **K-9** involves searches conducted in response to an alert by a Customs canine.
 - **Incident to a seizure or arrest** involves searches conducted in continuation of a seizure action related to previously discovered illegal or hidden merchandise. For example, finding contraband in a false-sided suitcase would provide a basis for conducting a patdown to determine if additional merchandise is hidden on the person.
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Changes to Personal Search Requirements

In 1999, Customs directed reviews of personal search policies and procedures to ensure that its targeting practices did not discriminate on the basis of race, color, ethnicity, religion or gender. As a result, Customs has implemented a number of changes to its personal search policies and procedures. For example, since May 1999, Customs has required supervisory approval for patdown searches for merchandise, including contraband. Also, a Customs officer is to notify the responsible U.S. Attorney in cases where passengers are detained for more than 8 hours and probable cause for arrest has not been developed.

Customs has also been testing new nonintrusive technology to give airline passengers an option for less intrusive searches. At selected airports, Customs is using body scan imaging instead of patdowns. This procedure, used only with the passenger's consent, allows inspectors to see if contraband is concealed under clothing.

Impetus for Changes to Customs Personal Search Policy

The recent changes that Customs has made to its personal search procedures were a result of internal decisions and other studies. According to the Assistant Commissioner for Field Operations, the basis for recent changes in Customs' personal search policies and procedures was to establish uniformity and standardization throughout the ports for conducting personal searches and to establish internal controls over the process. He added that Customs needed uniformity because various ports had different procedures for conducting personal searches.

In 1999, two groups reported on the need for Customs to reassess its methods for targeting passengers for personal searches.

- In June 1999, Treasury's Office of Professional Responsibility (OPR) issued a report on Customs search policies and procedures that included

an assessment of Customs' methods for "targeting" or selecting passengers for interview and examination. The objective of the OPR study was to ensure that Customs' targeting policies were not based on discriminatory factors. The study focused on targeting practices at the Port of Miami (FL) and training provided at the Customs Academy in Glynco, GA. The report noted that Customs' advanced passenger targeting is based more on high-risk flights—from drug source or transit countries—rather than information on passengers. The report also found that "Customs did not conduct routine reviews to ensure that the criteria and targeting policy, including trend analysis, are accurate and do not become discriminatory." The report cited New York's JFK Airport and Miami Airport as large airports that had used trend analysis as an important and successful tool in the fight against drug smuggling. In fiscal years 1997 and 1998, Miami and JFK were first or second in the country for drug seizures. The report cited that the drug seizure rate was approximately 70 percent in instances where a suspected internal drug carrier was sent to the hospital for an x-ray. The OPR review team believed that trend analysis of drug seizures is a useful tool and is nondiscriminatory as long as articulated facts support the searches and are not based on factors such as race or gender.

OPR recommended that Customs "should continue to conduct regular, periodic reviews to validate the targeting criteria and process to assure that the factors used in targeting continue to be reasonable predictors of illegal activity, and to ensure that targeting is not based on race, color, ethnic origin, or gender." OPR also recommended that "Customs should also conduct periodic program reviews to ensure that the techniques, criteria, efficiency, and cost effectiveness of passenger targeting are accomplishing the interdiction mission." In response to the OPR report, Customs agreed with both recommendations and has stated that it "will continue to conduct periodic reviews of the targeting criteria and process, as well as the program review to ensure that our mission is accomplished."

- In its July 1999 report, Customs' Passenger Targeting Committee reported that Customs' passenger selectivity and targeting methodologies require regular reassessment and updating. The Committee reported that "...the use of a standard list of targeting criteria has little value in a constantly changing travel environment." The Committee recommended that Customs eliminate the use of the articulable factor list and emphasize to inspectors that certain factors once thought to be suspicious may no longer be relevant. In addition, the Committee recommended that Customs pursue new data collection technology that will provide a method to routinely assess whether inspectors properly target individuals.

The Assistant Commissioner for Field Operations said that Customs had developed the 43 factors contained in Appendix C of the Handbook on the basis of professional judgment, experience in the field, and information from past seizures, and the factors provided a compendium of successful drug seizures from a historical perspective. He said that although Customs still believes that many factors on the original list are viable reasons to select (target) passengers for personal searches, Customs has decided to eliminate the factors as a result of the Passenger Processing Committee's findings. In place of the list, Customs has included in the revised Handbook six primary categories, which we previously discussed, for inspectors to use to determine whether to conduct a personal search.

Scope and Methodology

We agreed to provide information and analysis on Customs' personal search data to identify race and gender of passengers who were more or less likely to be subjected to more intrusive searches (i.e., strip-searched or x-rayed) and the results of searching those passengers. To do this, we analyzed Customs' personal search reports for air passengers subjected to personal searches during fiscal years 1997 and 1998. Such searches were done only after passengers were sent to secondary.

We also agreed to determine Customs' policies and procedures for conducting personal searches and how they are implemented at airports. To do this, we interviewed Customs headquarters officials in the Office of Field Operations and port officials at four airports—John Fitzgerald Kennedy International Airport (JFK) in New York, O'Hare International Airport in Chicago, Los Angeles International Airport (LAX), and Miami International Airport. We also reviewed Customs' program documents, including its Handbook.

Further, we agreed to describe Customs' management controls over the personal search process. We interviewed key officials at Customs headquarters and at the four airports. Our review focused on four internal controls intended to help ensure that inspectors follow Customs' policies and procedures:

- training on targeting and personal search procedures,
- supervisory review and approval required for most personal searches,
- Customs' use of its program to measure the efficiency of its targeting, and
- a complaint process used to identify and resolve passenger complaints.

To obtain information on Customs' (1) personal search policies and procedures and how they are implemented at airports and (2) management

controls over the personal search process, we also conducted a national mail survey of 1,176 inspectors and 177 supervisors at 15 airports⁶ with the largest volume of international passengers. Specifically, we asked inspectors and supervisors for their views about personal search policies, procedures, and practices; Customs training; and supervisory approval for personal searches. The response rates for inspectors and supervisors were 66 percent (775) and 74 percent (131), respectively. In reporting the results of the survey, we report the number or percentage of inspectors and supervisors who provided their responses to a particular survey question.

See appendix I for a more detailed discussion of our scope and methodology and appendices II and III for mail survey results for inspectors and supervisors.

We conducted our work from August 1998 through January 2000 in accordance with generally accepted government auditing standards. We requested comments on a draft of this report from the Secretary of the Treasury. The U.S. Customs Service provided comments that are summarized at the end of this letter; included in the report, where appropriate; and reproduced in appendix IV. Customs also provided technical comments that we incorporated where appropriate.

Customs Subjected Certain Types of Passengers to More Intrusive Searches Than Other Passengers, But Those Searches May Have Had Fewer Positive Results

Approximately 140 million international passengers entered the United States during fiscal years 1997 and 1998. From the entering international passengers, Customs inspectors selected some passengers for further examination. Of those selected for further examination, about 102,000 passengers were subjected to some form of personal search. Our analysis was limited to data contained in Customs databases and therefore focused on only certain passenger characteristics of the 102,000 international arriving passengers who Customs subjected to some form of personal search. As a result, we could not include in our analysis any information about the remainder of the approximately 140 million arriving international passengers, including passengers who had only their baggage searched. In commenting on our report, Customs said that it did not dispute our statistical analysis. However, it also pointed out that factors outside of the information gathered during the personal search, such as country of departure, may contribute to the decision to carry out a more intrusive search.

⁶ The 15 airports serve the cities of Atlanta; Boston; Chicago; Dallas-Ft. Worth; Detroit; Washington, D.C., metropolitan area; Honolulu; Houston; Los Angeles; Miami; New York; Newark; Orlando; San Francisco; and San Juan.

Table 2 provides search results for 102,000 passengers who were subjected to some form of personal search during fiscal years 1997 and 1998.

Table 2: Number and Percent of Passengers With Positive or Negative Search Results by Type of Search, Fiscal Years 1997 and 1998

Search type	Negative		Positive		Total number
	Number	Percent	Number	Percent	
Frisk/patdown	93,764	97	3,005	3	96,769
Strip	2,989	77	883	23	3,872
X-ray	985	69	434	31	1,419
Body cavity	14	44	18	56	32

Note: Fourteen incidents of monitored bowel movements were excluded.

Source: GAO analysis of Customs' data.

Generally, passengers of particular races and gender were more likely than other passengers who had been selected for further searches to be subjected to more intrusive types of personal searches (being strip-searched or x-rayed). However, in some cases those types of passengers who were more likely to be subjected to more intrusive personal searches were not more likely, or even as likely, to be found carrying contraband. The most pronounced difference occurred with Black women who were U.S. citizens. They were 9 times more likely than White women who were U.S. citizens to be x-rayed after being frisked or patted down in fiscal year 1998. But on the basis of x-ray results, Black women who were U.S. citizens were less than half as likely to be found carrying contraband as White women who were U.S. citizens were. Some patterns of selecting passengers for more intrusive searches indicated that these more intrusive searches sometimes resulted in certain types of passengers being selected for such searches at rates that were not consistent with the rates of finding contraband.

Gender and Race Were Strongly Related to the Likelihood of Passengers Being More Intrusively Searched and the Likelihood of Them Carrying Contraband

To determine the types of characteristics that influenced the likelihood of passengers who were selected for further searches being subjected to more intrusive personal searches and their likelihood of being found carrying contraband, we examined the effects of the four variables within Customs' data. These variables were gender; race (White, Black, Hispanic, and Asian); citizenship status (U.S. citizens or noncitizens); and fiscal year (1997 and 1998). We measured the effect of each of these variables on the likelihood of passengers being intrusively searched and carrying contraband, and we controlled for the effects of the other variables.⁷

⁷ We used multivariate logistic regression and loglinear models to eliminate differences between groups that were due to chance or random variation. Tables 3 through 6 provide likelihoods (or odds ratios) which are derived from these models and which provide a simple description of the differences across the groups of passengers we compare. See Appendix I for a fuller discussion of these models

We found that gender and race were related to the likelihood of passengers who were selected for further searches being subjected to more intrusive searches but not necessarily in the same way that they were related to the likelihood that passengers were found carrying contraband. Generally, citizenship and fiscal year were not as strongly related. The following results focus on the relationships between passengers' race and gender for U.S. citizens in fiscal year 1998 and the likelihood of being subjected to strip-searches or x-ray examinations and the likelihood of finding contraband wherever searched. The tables show the (1) gender ratios, which compare the likelihood for women relative to men, within race categories; and (2) race ratios, which compare the likelihood for Blacks, Asians, and Hispanics relative to Whites within gender categories.

We note, however, where these effects differ for noncitizens and in fiscal year 1997. We did not include information on the origin of flights, which inspectors told us is a consideration in selecting passengers for searches, because this factor was not collected and therefore not included in Customs' database.

Appendix I contains a detailed discussion of the effects of all four variables on passengers being subjected to more intrusive searches and their likelihood of being found carrying contraband.

Passengers With Certain Characteristics Are More Likely to Be Subjected to More Intrusive Personal Searches After Being Patted Down or Frisked

To describe how the likelihood of being strip-searched or x-rayed was affected by passengers' gender or race, we computed the likelihood of more intrusive personal searches being conducted for U. S. citizens by race and gender. We then compared the likelihoods across types of passengers to determine how much more or less likely certain types of passengers were to receive more intrusive searches than other passengers. Table 3 shows the likelihood of being strip-searched by race among men and women who were U.S. citizens in fiscal year 1998.

and the likelihoods derived from them. Our multivariate results are on the basis of the 67,553 cases (66%) with no missing data. We did, however, repeat the analysis including cases that were coded as missing and found that the overall results with respect to the effects of sex, citizenship, and year were similar.

Table 3: Differences Between U.S. Citizen White and Minority Men and Women in Being Strip-Searches, in Fiscal Year 1998

Race	Gender	Likelihood of being strip-searched		
			Gender ratio	Race ratio
White	Male	0.0821		
White	Female	0.0821	1.00	
Black	Male	0.0506		0.62
Black	Female	0.1421	2.81	1.73
Asian	Male	0.0093		0.11
Asian	Female	0.0260	2.81	0.32
Hispanic	Male	0.0217		0.26
Hispanic	Female	0.0611	2.81	0.74

Note: The gender ratios compare the expected likelihoods of being strip-searched for women relative to men, within race categories. The race ratios compare the expected likelihoods of being strip-searched for Blacks, Asians, and Hispanics relative to Whites within gender categories.

Source: GAO analysis of Customs' data.

As shown in table 3, of those passengers who were searched, Whites were more likely to be strip-searched than all minority groups except Black women; and among Whites, men and women were equally likely to be strip-searched. Among minorities, however, there were large differences between men and women in the likelihood of being strip-searched as opposed to patted down or frisked. Black, Asian, and Hispanic women were nearly 3 times as likely to be strip-searched, after being patted down or frisked, as men of those races; but White women and men were equally likely to be strip-searched. For example, the likelihood of being strip-searched for Black men was .0506; and the likelihood was .1421 for Black women (.1421/.0506 equals 2.81, or nearly 3 times).⁸ Further, most minorities, especially Asians (by factors of .11 for men and .32 for women), tended to be strip-searched less often than Whites, except for Black women, who were more likely to be strip-searched than all other types of passengers.

Moreover, in fiscal year 1997 Black women were also more likely to be strip-searched than all other women and men passengers. This was not the situation for noncitizens in 1998; among them, White men and women were most likely to be searched.

⁸ The likelihood (or odds) represents the number of passengers strip-searched compared to the number of passengers just frisked or patted down. For example, the likelihood of being strip-searched for Black men was .0506, which indicates that there were 5 Black men strip-searched for every 100 who were frisked or patted down. In tables 3 through 6, the gender ratios given reflect the likelihood for women relative to men, within race categories. The race ratios reflect the likelihood for Blacks, Asians, and Hispanics relative to Whites, within categories of gender. Appendix I contains the frequencies and calculated likelihoods and ratios for each type of search and search result by year, citizenship status, race, and gender.

For U.S. citizens, table 4 shows the differences between men and women of all races in the likelihood of being x-rayed in fiscal year 1998.

Table 4: Differences Between U.S. Citizen White and Minority Men and Women in the Likelihood of Being X-rayed, in Fiscal Year 1998

Race	Gender	Likelihood of being x-rayed	Gender ratio	Race ratio
White	Male	0.0053		
White	Female	0.0073	1.39	
Black	Male	0.0457		8.65
Black	Female	0.0635	1.39	8.65
Asian	Male	0.0008		0.16
Asian	Female	0.0012	1.39	0.16
Hispanic	Male	0.0196		3.71
Hispanic	Female	0.0272	1.39	3.71

Note: The gender ratios compare the expected likelihoods of being x-rayed for women relative to men, within race categories. The race ratios compare the expected likelihoods of being x-rayed for Blacks, Asians, and Hispanics relative to Whites within gender categories.

Source: GAO analysis of Customs' data.

Our analysis shows substantial differences across races in the likelihood of being subjected to x-ray searches but smaller differences between men and women. Among searched U.S. citizens of all races in fiscal year 1998, women were 1.39 times more likely than men were to be x-rayed. Black and Hispanic men and women were about 4 to 9 times more likely than White men and women to be x-rayed after being patted down or frisked. The likelihood of Asian men and women being x-rayed was low relative to any other type of passengers.

Gender differences shown in table 4 were similar for U.S. citizens in fiscal year 1997; however, among searched noncitizens in both fiscal years, women were less likely than men were to be x-rayed. The race differences noted in table 4 were similar for U.S. citizens in fiscal year 1997. Such differences were not as great for noncitizens as for citizens.

Some Types of Passengers More Likely to be Subject to More Intrusive Searches Are Not As Likely to be Found Carrying Contraband

Although searched passengers with certain characteristics were subject to more intrusive searches, they were not always as likely to be found carrying contraband. Table 5 shows the differences in the likelihood of strip-searches yielding positive results for White and minority men and women who were U.S. citizens in fiscal year 1998. White and Asian men and women were less likely than Black and Hispanic men and women to be found carrying contraband when they were strip-searched. Among all races, especially Blacks, women were less likely to be found carrying contraband than men were.

Table 5: Differences Between U.S. Citizen White and Minority Men and Women in the Likelihood of Strip-searches Yielding Positive Results in Fiscal Year 1998

Race	Gender	Likelihood of strip-searches being positive		
			Gender ratio	Race ratio
White	Male	0.2506		
White	Female	0.1947	0.78	
Black	Male	0.6155		2.46
Black	Female	0.2756	0.45	1.42
Asian	Male	0.2506		1.00
Asian	Female	0.1947	0.78	1.00
Hispanic	Male	0.5880		2.35
Hispanic	Female	0.4568	0.78	2.35

Note: The gender ratios compare the expected likelihoods of strip-searches being positive for women relative to men, within race categories. The race ratios compare the expected likelihoods of strip-searches being positive for Blacks, Asians, and Hispanics relative to Whites within gender categories.

Source: GAO analysis of Customs' data.

Black women were about half (or .45 times) as likely as Black men to be found carrying contraband during strip searches; White, Hispanic, and Asian women were about three-quarters (or .78 times) as likely to be found carrying contraband as their male counterparts. Blacks and Hispanics were more likely than Whites to be found carrying contraband; Asians were less likely. The differences between men and women and between minorities and Whites shown in table 5 were similar for U.S. citizens and noncitizens in both years.

As noted earlier, the types of searched passengers who had higher likelihoods of being strip-searched were not always as likely to be found carrying contraband. Comparing the likelihoods and likelihood ratios in tables 3 and 5 shows that Black women, who had the highest likelihood of being strip-searched among U.S. citizens (.1421), were half as likely to be found carrying contraband during a strip-search as Black men (.45 times) and less likely than Hispanic men (.2756/.5880 equals .47 times) and Hispanic women (.2756/.4568 equals .60). However, Black women were 1.4 times as likely to be found carrying contraband than White women.

Table 6 shows the differences in the likelihood of x-ray searches yielding positive results for White and minority men and women who were U.S. citizens in fiscal year 1998.

Table 6: Differences Between U.S. Citizen White and Minority Men and Women in the Likelihood of X-ray Searches Yielding Positive in Fiscal Year 1998

Race	Gender	Likelihood of x-rays		
		being positive	Gender ratio	Race ratio
White	Male	0.5869		
White	Female	0.5869	1.00	
Black	Male	0.5869		1.00
Black	Female	0.2816	0.48	0.48
Asian	Male	0.3407		0.58
Asian	Female	0.3407	1.00	0.58
Hispanic	Male	0.3407		0.58
Hispanic	Female	0.3407	1.00	0.58

Note: The gender ratios compare the expected likelihoods of x-ray searches being positive for women relative to men, within race categories. The race ratios compare the expected likelihoods of x-ray searches being positive for Blacks, Asians, and Hispanics relative to Whites within gender categories.

Source: GAO analysis of Customs data.

For all types of passengers who were subject to x-rays, except Blacks, women were somewhat more likely than men to be found carrying contraband. Among Blacks who were x-rayed, women were about half as likely as men to be found carrying contraband. Apart from Black men, who were equally as likely to be found carrying drugs as their White counterparts, minorities were generally less likely to be found carrying contraband than Whites who were x-rayed. Further, for those subjected to x-ray searches, Black women were least likely to be found with contraband. The differences shown for U.S. citizens in fiscal year 1998 were similar for U.S. citizens and noncitizens in both years. Again, some of the types of searched passengers with a relatively high likelihood of being x-rayed had a relatively low likelihood of being found with contraband. Hispanic women, for example, were 4 times as likely to be x-rayed as White women were, but they were about two thirds as likely to have contraband found during an x-ray.

Customs Processes, Policies, and Procedures for Targeting Passengers and Conducting Personal Searches

Customs inspectors rely on their professional judgment and their experience, as well as guidance and intelligence information, when deciding to select or target passengers for interviews or examinations that may include personal searches.⁹

To understand the rationale for inspectors' decisions to conduct personal searches, we analyzed 70 randomly selected search reports. The reports contained the inspectors' reasons for subjecting passengers to patdowns. They usually provided more than one reason for conducting patdowns.

⁹ Customs provides training to its inspectors on conducting personal searches. Training is discussed in the next section.

In our survey, few inspectors and supervisors indicated that the Customs' award program influenced their peers in referring or approving requests for personal searches or in pursuing or approving requests for more intrusive searches.

As a result of evaluations of its personal search procedures and on its own initiative, Customs has implemented a number of changes.

Customs' Personal Search Guidance and Recent Changes Handbook

Inspectors use the Handbook, which provides guidance and sets forth procedures for conducting personal searches. On the basis of internal decisions and studies, Customs has revised its personal search procedures.

At the time of our fieldwork (from March 1999 to June 1999), inspectors were following the March 1997 Handbook, which included in Appendix C a list of 43 objective articulable facts that could lead to a personal search. This list comprised actions (facts) that might lead an inspector to decide that a personal search was warranted.¹⁰ Customs had developed the 43 factors contained in Appendix C on the basis of professional judgment, experience in the field, and information from past seizures. According to a Customs official, the factors provided a compendium of information about drug seizures from a historical perspective. The September 1999 Handbook eliminated Appendix C and now lists six primary categories for inspectors to consider when making decisions about subjecting passengers to personal searches. Customs officials from the Passenger Programs Division told us that the original 43 factors contained in the Handbook were developed to assist inspectors on the basis of previous successful drug seizures.

Changes to Customs Policy

During the course of our review, Customs developed new policies and procedures for personal searches. These policies include new requirements for supervisory approval and review related to personal searches, legal considerations, and procedures intended to ensure that passengers subjected to personal searches know their rights and understand Customs' search policy. Policy changes include the following:

- A supervisor must approve all patdown searches, except immediate searches for weapons.
- A port director must approve all searches that require moving a person to a medical facility for a medical examination.

¹⁰ The list had been in existence for over 10 years.

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- Any person detained for 2 or more hours will be able to have a Customs officer notify a person of the passenger's choice about the delay.¹¹
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Information Sources for Inspectors to Use to Select Passengers for Searches

Customs inspectors can receive information on potential drug smugglers from their Passenger Analytical Units (PAUs), which are located at international airports. PAUs are generally composed of senior inspectors with access to law enforcement databases that can assist them in identifying the potential risk from incoming flights and passengers to determine the level of examination needed.¹²

PAUs identify or target flights and individual passengers on the basis of their research of information. In addition, PAUs may develop their own targets on the basis of information from past seizures.

Inspectors also have access to information from the Advanced Passenger Information System (APIS).¹³ APIS provides information on passengers destined for the United States in advance of their arrival. Information on passengers is processed through the Interagency Border Inspection System, which includes the combined databases of Customs, the Immigration and Naturalization Service, the Department of State, and about 21 other federal agencies, along with access to the Federal Bureau of Investigation's National Crime Information Center. Using this system, inspectors have the ability to check records to try to identify terrorists, drug traffickers, and other violators.

Eighty-five percent of inspectors and 92 percent of supervisors responding to our surveys said that they relied on PAU data to assist them in targeting passengers to be sent to secondary examination from a moderate to very great extent. This includes information developed by PAUs and from automated systems. Inspectors and supervisors said that they also relied heavily on information from seizure reports or information from past seizures.

¹¹ Passengers carrying drugs would not be permitted to have a Customs officer notify a person about the delay.

¹² Information is also provided to Rovers, which are teams of specially trained inspectors who target passengers on high-risk flights on the basis of observing passengers' behavior, data from PAUs, and previous drug smuggling trends.

¹³ Airlines and foreign governments participating in APIS collect passengers' biographical data, including name and date of birth, at the time of the flight's departure and transmit it to Customs Data Center which performs checks against federal law enforcement databases while the flight is en route to the United States.

Inspectors' Reasons for Conducting Patdowns Varied

To determine what factors inspectors reported for conducting personal searches, we randomly selected 70 search reports for fiscal years 1997 and 1998.¹⁴ Our analysis showed that inspectors usually provided more than one reason for conducting patdowns. In responding to our mail survey to inspectors at the 15 largest airports, inspectors said that they generally relied on a number of factors in making their decisions to refer passengers at secondary for personal searches.

In the 70 reports we reviewed, the inspectors provided a total of 208 different reasons for conducting patdowns. The majority of the search reports (45 of 70) provided 3 or more reasons for performing a patdown. The most common of the 208 reasons listed by inspectors for conducting patdowns were:

- behavior, such as exhibiting signs of nervousness (16 percent);
- arriving from a country known to be a source of drugs (15 percent);
- appearance (12 percent);
- having a trip of short duration (7 percent);
- wearing thick-soled or bulky shoes (6 percent); and
- giving evasive answers to the inspector's questions (6 percent).

When asked in our survey about the extent to which inspectors used the five following factors in their decisions to send passengers from primary to secondary, inspectors generally agreed about the following five factors in their decisions to send passengers for personal searches.¹⁵ Most of the inspectors responded that they consider to a moderate, great, or very great extent:

- general information e.g., a high-risk flight or a flight from a high-risk country (85 percent);
- specific information and intelligence about an individual (93 percent);
- observational and behavioral techniques (98 percent);
- professional judgment based on past experience (96 percent); and
- interviews with individual passengers (97 percent).

¹⁴ The sample was selected to identify the reasons inspectors provided for conducting patdowns, but it should not be projected to the universe of 85,008 patdowns conducted in fiscal years 1997 and 1998.

¹⁵ We identified these five factors on our own and validated them through pretesting our survey.

Most Inspectors and Supervisors Do Not Believe Awards Influenced the Numbers of Passengers Selected for Searches

Customs has an awards program that provides recognition to its staff for their work. Of the 17 Customs' awards for its employees, 3 encourage their efforts for searches that result in subsequent seizures from passengers carrying contraband.

- The Commissioner may grant the Blue Eagle Award for significant narcotics seizures.¹⁶
- Local management officials, including Customs Management Center directors, may confer the Special Enforcement Actions Ribbon for a notable seizure.
- Local joint committees may confer Superior Achievement Awards, which may include letters of commendation for uncovering the existence of new, unknown, or unique methods of smuggling.

We surveyed inspectors and supervisors in order to determine their opinions about the extent to which Customs' awards system may have influenced their personal search decisions. Eighty-eight percent of inspectors who responded to our survey indicated that Customs' awards program influenced inspectors to "some or little" or "no extent" in referring passengers for personal searches. In addition, 89 percent of the responding inspectors said that Customs' awards program influenced inspectors to some, little, or no extent in pursuing more intrusive searches. Furthermore, 96 percent of the supervisors who responded to our survey said that to no extent are supervisors more likely to approve inspectors' requests to refer passengers for personal searches because it would improve the inspectors' chances of receiving an award. In addition, 97 percent of the responding supervisors said that to no extent are supervisors more likely to approve inspectors' requests to pursue more intrusive personal searches because it would improve the inspectors' chances of receiving an award.

Customs' Management Controls for Personal Searches

We identified four management controls that Customs uses to help ensure that inspectors use their search authority fairly and judiciously and to safeguard the rights of U.S. citizens and the traveling public.

- Training is provided to inspectors and supervisors on how to select or target individuals for interview and examination and how to conduct a personal search.

¹⁶ A "significant" seizure is defined as \$1 million in cash, 1,000 pounds of cocaine, 100 pounds of opium, 5,000 pounds of marijuana or hashish, or 50 pounds of heroin.

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- Supervisory or port director approval is required for all personal searches (except frisks) to try to ensure that objective reasons for the searches are articulated and approved in advance and that the outcomes of searches are properly documented.
 - A complaint process has been developed that is intended to provide a system for responding to all passenger complaints.
 - A program was established to measure the effectiveness of passenger targeting for secondary searches and passenger compliance with the laws that Customs enforces, including drug laws.

Customs Provides Training on Personal Searches That Most Inspectors and Supervisors Considered Adequate

Customs is to provide basic training on personal searches to all new inspectors and offers additional courses to supplement this training. The four ports that we visited also provided a variety of training to inspectors on personal search policy and procedures that included on-the-job training. These courses differed from port to port.

Most inspectors (89 percent) and supervisors (87 percent) who responded to our survey questions believed that classroom training they received on personal searches was more than or generally adequate. The majority of these inspectors (84 percent) and supervisors (88 percent) also believed that nonclassroom training provided by the ports, including on-the-job training, was more than or generally adequate.

Recent internal and external studies of Customs' personal search policies recommended changes to improve Customs' personal search training. Some of these recommendations have already been implemented. In addition, in June 1999, a new Assistant Commissioner was appointed to direct the new Office of Training and Development to centralize all of Customs' training, including its personal search training.

Required and Optional Personal Search Training

Customs requires all entry-level inspectors to attend an 11-week course, "Customs Inspector Basic Training," at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. Among their courses, new inspectors receive training on targeting passengers for interview and examination and on conducting personal searches. Training on personal searches includes a Passenger Selectivity course that covers interviewing techniques and behavioral and observational techniques, as well as courses on professionalism and Customs' search authority. According to Customs' Assistant Commissioner for Training and Development, mandatory training was not provided for air passenger supervisors because they have received personal search training as inspectors.

Most inspectors (93 percent) and supervisors (95 percent) who responded to our survey said that they had received basic training. Most of these inspectors (89 percent) and supervisors (87 percent) believed the required basic training they received on personal searches was more than or generally adequate.

In addition to basic training, Customs provided additional personal search training at FLETC and at the ports. Advanced training courses are offered at FLETC, but these courses are optional. Training provided by the four ports we visited included personal search procedures, briefings on recent drug seizures at airports, on-the-job training, and updates on personal search policies. This training may vary from port to port and is not mandatory. Fifty-three percent of the inspectors believed that the required, additional, and port training they received improved their ability to identify passengers carrying contraband at least to a moderate extent.

In addition to the basic, additional, and port training, Customs also offered specialized training for inspectors who had been assigned to Rover teams.¹⁷ Rover training was taught by Rover supervisors and inspectors but offered only at JFK and Miami airports. Sixty-seven percent of the inspectors who responded to our survey had taken passenger enforcement Rover training, and 39 percent of the supervisors who responded to our survey had received Rover enforcement training.

Recent Studies Recommended Changes to Customs' Personal Search Training and Tracking System

Treasury, Customs, and a private contractor had recently completed reviews of Customs' personal search policies and procedures. Among other things, they recommended ways for Customs to improve personal search training that included (1) developing new training courses, (2) reevaluating existing training, and (3) establishing a system for tracking all training provided to inspectors and supervisors. Customs had agreed with these recommendations and has begun to implement some of them.

- Treasury's June 1999 OPR study recommended changes in personal search training and recording training received by inspectors and supervisors. OPR reported that Customs' Basic Training Course and many of the advanced training courses did not allocate sufficient time for training inspectors and supervisors on issues related to professionalism (e.g.,

¹⁷ The Rover teams carry out proactive inspections by observing and interviewing passengers before the passengers present their declaration of goods being brought into the United States to an inspector at the control point. Their training includes training similar to that provided to other inspectors, such as passenger targeting, post-seizure analysis, and observational and interviewing techniques. The purpose of the Rover training is specifically to enhance the teams' ability to target and identify passengers who may be carrying contraband and examine passengers more effectively.

diversity, sensitivity, ethics, or interpersonal skills). OPR recommended that Customs work with FLETC to provide entry-level instruction on professionalism and promote professionalism in all job series.

Customs agreed with this recommendation. According to Customs, it is currently conducting nationwide professionalism training at all ports by requiring all inspectors and supervisors to take five new courses to supplement their basic training.¹⁸ In addition, the Commissioner has announced that professionalism training is to be incorporated into all aspects of training at FLETC.

OPR also reported that local training was not always captured in Customs' training database. Consequently, there was no way to accurately determine all of the training that inspectors received at the ports. OPR recommended that Customs ensure that (1) all training is entered into the training database, (2) training records are reviewed annually to certify they are accurately maintained, and (3) the Office of Internal Affairs verifies and certifies training records during inspections. Customs agreed with these recommendations and now requires that all training be recorded in the training database. Each port is responsible for the accurate data entry and maintenance of the records.

Although the four ports we visited had recorded basic required FLETC training in the training database, additional courses provided at the ports were not consistently reported in the training database.

- The March 1999 Passenger Processing Targeting Committee reviewed how inspectors apply their knowledge and training to target or select passengers for inspection. The Committee made several recommendations. For example, the Committee recommended that Customs reassess the validity of the Rover training conducted at the JFK and Miami airports. Specifically, it recommended that skilled Rovers and trainers review the current training to determine if it is appropriate for all airports or should be adapted for each port. According to the Acting Director of Passenger Operations, Customs has suspended Rover Training taught at the JFK and Miami airports. Customs has engaged a contractor to review its entire Rover training so that its policies and procedures are more consistent among the ports.

¹⁸ The five courses are Interpersonal Communications, Cultural Interaction, Passenger Enforcement Selectivity Training, Confrontation Management/ Verbal Judo, and Customs' Personal Search Policy.

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- The Customs Service hired Booz-Allen & Hamilton to review air passenger interpersonal communications that included two areas related to training. The contractor's report included three recommendations related to training. Specifically, it said that:

(1) Customs should clarify and standardize policies and procedures to ensure that inspectors are not confused about or unsure of personal search policies and procedures. The contractor found that search procedures in the field sometimes vary from what the inspectors were taught at FLETC. It recommended that Customs revise the Handbook, deliver it to all inspectors, and provide training on the new policy. Customs issued a revised Handbook in September 1999; according to Customs officials, training was provided to all staff involved with personal search inspections.

(2) Customs should standardize communication to passengers subjected to a personal search. This should include information about Customs' policy and the personal search process and providing courses on interpersonal communications for supervisors and inspectors at the top 15 airports. Customs had developed a new mandatory course in Interpersonal Communications.

(3) Customs should make Rover training available to all inspectors. It was recommended that Customs develop an abbreviated course to be made available to more inspectors or offer the course on video for wider distribution. Customs' Office of Training and Development is reassessing its Rover training; the Rover training taught at the JFK and Miami airports has been suspended while the course is being revised.

New Office of Training and Development

In June 1999, the Commissioner announced the appointment of a new Assistant Commissioner to direct a new Office of Training and Development. The Office is expected to, among other things, centralize all Customs training, ensure that mandatory training courses are provided to inspectors and supervisors, and ensure that all training is recorded accurately in Customs' training database. The new Assistant Commissioner is also to direct implementation of the recommendations on training mentioned above.

Supervisory Approval Is Required for Personal Searches

According to Customs' Handbook, supervisory approval is required for patdowns (except for weapons) and strip-searches. X-rays (both consensual and involuntary), body cavity searches, and MBM detentions prior to the search require port director approval. Supervisors and port

directors are expected to make an independent assessment of the facts and decide whether the inspector's reasons for the search warrant the level of search requested. Each progressive level of search (e.g., after a strip-search, approving a subsequent request for an x-ray) has to be approved separately so that it is clear that the reasons articulated for the additional searches are justified.

Supervisors and port directors do not have to be present to authorize a personal search, nor do they have to be present during the search.¹⁹ They can authorize personal searches from a remote location, including over the telephone or by radio. According to officials at the four airports we visited, remote approval was generally used only when there was a shortage of supervisors available.

Generally, supervisors, who have authorized personal searches, whether results were positive or negative, are to review and approve or disapprove each search report²⁰ prepared by the inspecting officer. Their approval is intended to indicate that the search was approved in advance and they were satisfied that the reasons provided for the search were appropriate for the type of search conducted. When details are missing or unclear, the supervisor will work with the officer to correct the report.

At the time of our initial fieldwork, supervisory approval was not required to authorize a patdown of a passenger. However, officials at two of the four airports we visited told us they required supervisory approval for all patdowns.²¹

New Policy of Approval for Personal Searches

During fiscal year 1999, Customs changed its procedures. For example, all patdowns are to be approved in advance by a supervisor, unless there is concern that a passenger may have a weapon. In addition, the port director must now approve all searches that require moving a person to a medical facility for a medical examination (i.e., body cavity, x-ray, and MBM); and this authority cannot be delegated unless the port director is away (e.g., on leave) from the port. Previously, a supervisor's approval was required for these requests. In the event of a prolonged detention (8

¹⁹ The Handbook provides that when possible, approvals should be granted in person.

²⁰ A search report documents that a personal search has been performed. It includes the type of search, reason(s) for conducting the search, and the results of the search. Positive searches (resulting in enforcement action) are reported on the Search, Arrest & Seizure Report. Negative searches are reported on the Inspectional Operations Incident Log.

²¹ Beginning in May 1999, Customs required that all patdown searches must have supervisory approval in advance of the search.

hours or longer) where probable cause that a passenger has been carrying contraband has not been developed, any further detention must be reapproved by the port director. The previous policy was that supervisory approval was required for a medical examination regardless of the length of detention.

Customs has also developed a Supervisor's Check Sheet that is to be used to record all negative personal searches. Among other things, the check sheet requires the supervisor to certify that the search criteria had been reviewed and found appropriate and that the supervisor had reviewed the search criteria and results, examination, and personal search process with the inspector for lessons learned. Positive searches are to result in enforcement action and are documented in seizure and arrest reports.

Supervisory Approval Is Required and, According to Inspectors and Supervisors, Almost Always Obtained for Personal Searches

Most inspectors responding to our survey said that at their respective ports, they are required to obtain approval from their supervisors (or seniors) prior to conducting personal searches. Specifically, 97 percent responded that they needed approval for patdown searches; and 99 percent responded that they needed approval for all types of more intrusive searches, such as strip-searches and x-rays. Most inspectors responding to our survey said they had not conducted personal searches without supervisory (or senior) approval within the last 6 months. For example, over 99 percent of the inspectors responded that they never, or rarely, conducted strip-searches or x-rays without supervisory approval.

Most inspectors responded to our survey that their requests for personal searches were usually approved. For example, inspectors reported that 93 percent of strip-searches requested were approved, and 75 percent of x-rays requested were approved. Supervisors' responses regarding approvals also indicated that they approved the majority of search requests. However, inspectors and supervisors reported that fewer requests for x-rays were approved than any other requests for personal searches.

Customs Responds to Passenger Complaints, but Some Discrepancies Exist Between the Passengers' Complaints and Customs' Files

Customs recently revised and centralized its system for processing and responding to all types of passenger complaints, including personal search-related complaints. During fiscal year 1997, Customs reported that the 22 largest international airports combined received approximately 1 complaint for every 58,647 passengers processed. At the 4 airports we visited, we reviewed all 42 passenger complaints about personal searches filed during fiscal years 1997 and 1998. Our review showed that Customs responded to passenger complaints, and it also revealed problems with the process. Our analysis of the complaint files showed that (1) the

passenger's complaint and Customs' record of the search sometimes differed, and (2) Customs' files did not always contain documentation on the resolution of the complaint. Officials at the airports we visited said they did not receive documentation on how complaints were resolved, and Customs headquarters did not require them to keep documentation at the port or at the Customs Management Center on how cases were resolved.

According to Customs officials, Customs has assigned passenger service representatives at 17 of the largest international airports. The representative is responsible for dealing with the passengers' complaints. The representative is to interact with the traveling public and try to improve passenger relations. In addition, the representative is to assist travelers in addressing any Customs-related questions or concerns. Until recently, the representative was to respond in writing to passengers about their complaints sent to the port.

In March 1999, Customs established a Customer Satisfaction Unit in headquarters to centralize and standardize the passenger complaint process. This Unit is now responsible for reviewing and responding to all passenger complaints.

Customs has also developed a complaint tracking system, which is to record all complaints (verbal, telephonic, and written) and their resolution at airports around the country. Customs will be able to use the system to review and analyze all complaints nationally and by airport. Headquarters officials also said that a Complaint Review Committee is to be established at the major airports. The Committee is to periodically monitor and review the complaint system to determine whether customer service standards are being met and to determine whether training or disciplinary measures are necessary in instances when Customs' personnel do not meet standards.

Few Personal Search Complaints Were Filed But Differences Exist Between Complaints and Customs' Files

Passenger complaints about personal searches at the 4 selected airports, including those related to strip-searches, totaled 42 in fiscal years 1997 and 1998. Our analysis of these complaints identified discrepancies in 10 of the 42 complaint files reviewed. We found differences between what was reported by passengers and what was contained in Customs' records. For example, in fiscal year 1997, one passenger complained that a woman inspector told her to strip and she was searched thoroughly. Customs' record shows that the search was a patdown, and the written response to the passenger stated that the personal search she experienced is referred

to as a patdown. In addition, Customs' files did not contain documentation on whether discrepancies had been resolved for any of the 10 cases.²²

In fiscal years 1997 and 1998, 4 of the 42 complaints at the 4 ports alleging inspector misconduct during a personal search were referred to Customs' Office of Internal Affairs. According to airport officials, investigations were completed, and airport management took the appropriate action. In each case, no action was taken against the inspector because Customs found no evidence of wrongdoing.

Customs Plans to Use COMPEX Data to Monitor Ports' Targeting of Passengers

Customs has developed a program intended to measure passenger compliance with all the laws it is responsible for enforcing, including drug laws. The program, Compliance Examination (COMPEX) measurement system, requires a port to randomly examine a sample of passengers drawn from those who were not targeted in routine passenger processing. These data are to be used to estimate the number of violations that pass through the port undetected. COMPEX data are then combined with the number of violations detected by routine, targeted examinations to create an estimate of the rate of violations that occurred among the overall passenger population.

COMPEX is designed to allow Customs to measure the effectiveness of targeting by comparing the results of targeted exams with the estimated rate of violations in the overall population of passengers. The program was established to comply with the Government Performance and Results Act (GPRA),²³ which requires all federal agencies to measure how well they achieve their missions. COMPEX data are to be used nationally to measure the effectiveness of its targeting efforts in compliance with GPRA. In addition, ports are to use COMPEX data as a tool for improving passenger processing and targeting efficiency.²⁴ Customs officials said that three of the four airports we visited have been utilizing COMPEX since fiscal year 1996.

Customs' Strategic Plan for Fiscal Years 1997-2002 states that under COMPEX, Customs had established a national goal of identifying passengers carrying contraband from targeted inspections at a rate of 10 times more than randomly selected passengers who are carrying

²² The files did not provide any additional information regarding the complaint. Therefore, we could not determine whether the passenger or Customs was correct.

²³ P.L. 103-62 (1993).

²⁴ Targeting efficiency is a comparison of the results of targeting passengers for selection to the results of randomly selecting passengers for searches.

contraband. This goal is to be achieved by fiscal year 2002. However, individual ports have established interim goals. Table 9 shows the interim goals for the four ports we visited and the ports' targeting efficiency.

Table 7: COMPEX Targeting Efficiency Goals and Targeting Efficiency for Fiscal Years 1997 and 1998

Port	Fiscal year	Port's targeting efficiency goal, as established by headquarters	Targeting efficiency, as measured by headquarters
LAX	1997	3x (better)	4.35x
	1998	5x	14.80x
JFK	1997	2x	1.46x
	1998	5x	3.30x
O'Hare	1997	10x	14.21x
	1998	10x	13.12x
Miami	1997	10x	5.30x
	1998	10x	6.30x

Source: Customs, COMPEX program data.

Officials at the four ports said that they focus on achieving their port-specific goals. Although headquarters has directed the ports to use COMPEX data to improve passenger processing and targeting efficiency, port officials said headquarters has not provided specific guidance or direction on how the ports should use COMPEX data. Headquarters program officials said that they informally reviewed COMPEX data on a monthly basis to determine different targeting efficiency rates. A headquarters program official said headquarters expects the port directors to take the necessary management steps to improve their targeting efficiency rates without further direction from headquarters. However, the port officials from the four ports we visited said that headquarters has not taken any action on the basis of COMPEX results. In commenting on our draft report, Customs disagreed that it had not provided guidance to the ports on the use of COMPEX. Customs pointed out that it had issued a memorandum on August 7, 1997, to its ports and management centers concerning the use of COMPEX. At the time of our review, this memorandum was neither mentioned nor provided to us by port or management center officials.

Customs Has Begun to Address COMPEX Issues

Customs officials said they have taken steps to address issues related to COMPEX and to assess how the ports are using COMPEX data.

- Customs officials created a Passenger Data Analysis Team in June 1999. This unit is to review the targeting practices at airports and to analyze personal search data. A Customs official has stated that Customs expected this unit to begin analyzing COMPEX data by December 1999. As

of November 1999, this unit had three full-time employees.

- Customs developed a Data Improvement Plan to address problems, such as missing data and data-entry errors. The Plan requires that the port personnel who are responsible for entering COMPEX data are to assess the accuracy of data input. After assessing the data, the port personnel who entered the data will have 60 days to draft an improvement plan to correct any data inaccuracies. According to a headquarters program official, the port directors have sufficient management skills to resolve specific problems related to inaccurate data entry.
- Customs has designed a COMPEX survey for use at most major airports. The survey includes a variety of questions related to COMPEX, including how the data are being collected and entered into the system. As of November 1999, Customs officials said they had administered the survey at Newark, Atlanta (Hartsfield), Miami, and Chicago's O'Hare airports. Customs program officials told us they plan to continue to administer the survey on an ad hoc basis, but they have not set a deadline for the completion of the survey or a time frame for the final analysis of the survey results.

Conclusions

Recent litigation has called into question Customs' personal search procedures that initially target airline passengers for examination. As a result of internal decisions and studies, Customs revised its personal search practices and procedures. In response to OPR's recommendation, Customs agreed to conduct periodic reviews to validate the targeting criteria and process to ensure that (1) the factors used in targeting are reasonable predictors of illegal activity; and (2) targeting is not based on race, color, ethnic origin, or gender. Customs also agreed to conduct periodic program evaluations, reviewing the techniques, criteria, efficiency, and cost effectiveness of passenger targeting.

We analyzed personal search data that Customs had in its databases. These databases included only certain passenger data on the 102,000 international arriving passengers whom Customs subjected to some form of personal search. Therefore, we could not include in our analysis information about the characteristics of the millions of other arriving international passengers not subject to personal searches.

Our analysis showed that generally, searched passengers of particular races and gender were more likely than other passengers to be subjected to more intrusive types of personal searches (being strip-searched or x-rayed). However, some types of passengers who were more likely to be

subjected to more intrusive personal searches were not always as likely to be found carrying drugs or other contraband. For example, White men and women and Black women were more likely than Black men and Hispanic men and women to be strip-searched rather than patted down or frisked, but they were less likely to be found carrying contraband. In fiscal year 1998, Black women who were U.S. citizens were 9 times more likely to be x-rayed than White women who were U.S. citizens. But x-ray results indicated that Black women who were U.S. citizens were less than half as likely to be found carrying contraband as White women who were U.S. citizens were.

Customs has not analyzed passenger data to determine the relationships between the characteristics of those passengers selected for personal searches and the results of those personal searches. By doing such an analysis, Customs would be able to determine if the rate at which inspectors target passengers with certain characteristics is similar to rates at which those passengers are found to be carrying contraband. This information could help Customs ensure compliance with its policies and procedures to better target passengers and improve its targeting efficiency.

Recommendations

We recommend that Customs analyze the characteristics of passengers selected for intrusive searches and the results of those searches as part of the periodic evaluation it has agreed to do on the basis of OPR's recommendation. It should use these data to help to develop criteria for determining which passengers to search.

Agency Comments and Our Evaluation

On February 29, 2000, Customs provided comments on the draft report. Customs said that they were pleased that GAO did not find a pattern indicating that it had engaged in discriminatory selection of passengers for personal searches on the basis of race, gender, or ethnic origin. It would be more accurate to say that we did not address the causes of any patterns in the data related to selection of passengers for more intrusive searches and so did not assess the issue of discrimination in relation to passenger selection and the search process.

Customs said that it agreed with our recommendation and has already taken several actions to accomplish this objective. Some of these actions related to data collection and data analysis are:

- With respect to data collection, Customs said that it has taken steps to collect more complete and accurate data on persons subjected to personal searches. For example, race, gender, and citizenship used to be optional

fields in its automated records. Data entry of these elements is now mandatory. In addition, other new mandatory data have been added, such as the port where the flight arrived from and where the traveler initiated his or her trip.

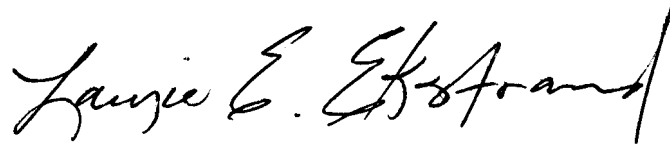
- With respect to data analysis, Customs said that it is closely monitoring data on personal searches. In May 1999, it established a Passenger Data Analysis Team that began publishing weekly reports with data by race and gender. The report shows the results of Customs personal searches.

Customs added that due to its increased management oversight, improved guidance in the form of the new personal search handbook, and recent training to Customs officers authorized to conduct personal searches, it is now achieving improved results. For example, Customs cited that its positive search results have increased from 3.5 percent in fiscal year 1998 to 5.73 percent in fiscal year 1999.

As agreed with your office, unless you publicly announce its contents earlier, we plan no additional distribution of this report until 30 days from its issue date. At that time, we will send copies to Senator William V. Roth, Senator Daniel Patrick Moynihan, Senator Ted Stevens, Senator Robert C. Byrd, Senator Fred Thompson, Senator Joseph Lieberman, Senator Ben Nighthorse Campbell, Senator Byron Dorgan, Senator Susan Collins, Senator Carl Levin, Senator Phil Gramm, Senator Paul S. Sarbanes, Senator Michael B. Enzi, Senator Tim Johnson, Representative C.W. Bill Young, Representative David R. Obey, Representative Bill Archer, Representative Charles B. Rangel, Representative Philip M. Crane, Representative Sander M. Levin, Representative Amo Houghton, Representative William J. Coyne, Representative Jim Kolbe, and Representative Steny H. Hoyer in their capacities as Chairman or Ranking Minority Member of Senate or House Committees and Subcommittees. We are also sending copies of this report to the Honorable Jacob J. Lew, Director, OMB; the Honorable Lawrence H. Summers, Secretary of the Treasury; and the Honorable Raymond Kelly, Commissioner of Customs. We will also make copies available to others on request.

The major contributors to this report are acknowledged in appendix V. If you or your staff have any questions concerning this report, please contact me or James M. Blume, Assistant Director, on (202) 512-8777.

Sincerely yours,

A handwritten signature in black ink, reading "Laurie E. Ekstrand". The signature is written in a cursive, flowing style.

Laurie E. Ekstrand
Director
Administration of Justice Issues

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Abbreviations

APIS	Advanced Passenger Information System
COMPEX	Compliance Examination Measurement System
FLETC	Federal Law Enforcement Training Center
GPRA	Government Performance and Results Act of 1993
MBM	monitored bowel movement
OPR	Office of Professional Responsibility
PAU	Passenger Analytical Unit
TECS	Treasury Enforcement Communications System
APAS	Automated Passenger Analysis System

Objectives, Scope, Methodology, and Additional Results of Analysis

We were asked to review Customs' policies and procedures for conducting personal searches and to determine the controls in place to ensure that airline passengers are not inappropriately selected or subjected to intrusive personal searches. Specifically, we agreed to provide information and analysis on (1) Customs' personal search data to identify the characteristics—race (White, Hispanic, Asian, or Black) and gender—of passengers who were more likely to be subjected to intrusive searches (i.e., strip-searched or x-rayed) and the results of searching those passengers; (2) Customs' policies and procedures for conducting personal searches and how they are implemented at airports; and (3) Customs' management controls over the personal search process.

Analysis of Customs Personal Search Data

Customs inspectors are to document all incidents and personal searches, recording basic information about the passenger and a brief narrative describing the search and/or seizure. Data from these documents are to be entered into one of two centralized databases. The first is the Treasury Enforcement Communications System (TECS) Search, Arrest, and Seizure report, which documents positive incidences resulting from either a personal search or baggage search or both (i.e., contraband was found in a passenger's luggage resulting in a seizure and/or arrest, but no merchandise was found on the passenger's body). The second is the TECS Incident Log, which records all negative personal searches. We used data from both sources for fiscal years 1997 and 1998 for our analysis.

We received data on the types of searches passengers were subjected to; the results of the searches; and the passengers' races, genders, and citizenship status from both fiscal years. We did not see the need to independently verify the accuracy or completeness of the Customs data because Customs has taken steps to ensure complete passenger information for each incident (e.g., requiring information on origin of flight).

We received information on the passengers' genders and races—White, Black, Hispanic, and Asian.¹ We also received the citizenship status for each passenger when it was available. For purposes of our analysis, we collapsed the information into two categories to contrast U.S. citizens and noncitizens. About 20 percent of the cases were missing data on race, and 20 percent were missing data on citizenship status.

¹ The number of Native Americans subjected to personal searches in 1997 and 1998 (n=79) was too small to include in our multivariate analyses.

One of our objectives was to examine information on personal searches of passengers conducted by Customs in fiscal years 1997 and 1998 and determine whether the fiscal year and gender, race, or citizenship status of the passengers searched affected the likelihood of whether they were searched intrusively (x-rayed or strip-searched) rather than nonintrusively (frisked or patted down).² Our analysis focused on only those passengers subjected to personal searches. Our analysis did not include all passengers who entered the country or those who only had their baggage searched. We also considered whether the more intrusive searches conducted were positive or negative to determine whether or not the more intrusive searches of certain types of passengers resulted in their having similar likelihoods of yielding positive results.

In conducting our analysis, we first looked at the percentages of searched passengers in both fiscal years 1997 and 1998 for each gender, race, and citizenship group that were patted down or frisked, strip-searched, and x-rayed. We also looked at the percentages in each group that were found to be concealing contraband. We then considered these four factors simultaneously and used both loglinear and logistic regression models to determine the effects of these factors on the likelihood of being strip-searched as opposed to patted down or frisked and of being x-rayed as opposed to patted down or frisked. The models, which are described below, allowed us to determine the effects of each factor independently of one another and to determine whether they interacted with one another (i.e., whether the effect of gender on the likelihood of being strip-searched as opposed to patted down was different for minorities from the likelihood for Whites, or for citizens versus noncitizens).

Table I.1 shows the numbers and percentages of searched individuals overall by fiscal year, gender, race, citizenship, and the type and outcome of the search that was conducted. Slightly more searches were conducted in 1998 than in 1997, and overall men outnumbered women among the persons who were searched by roughly 3 to 1 (76,342 men compared to 24,431 women). The fact that information on citizenship and race is missing for about 20 percent of the individuals who were searched makes it somewhat more difficult for us to reliably estimate the relative numbers of citizens and noncitizens and the relative numbers of persons of each race who were searched. Among those individuals for whom we have data, noncitizens substantially outnumbered citizens among persons

² Another type of personal search is a body cavity search. Body cavity searches are defined as any visual or physical intrusion into body cavities. However, only 32 such searches were performed in both fiscal years 1997 and 1998, so we excluded these from any analyses.

searched. There were more Hispanics searched than there were Whites; and Whites outnumbered Blacks and Asians among individuals searched by about 2 to 1 (25,634 Whites to 12,777 Blacks) and about 3 to 1 (25,634 Whites to 8,450 Asians), respectively.

Table I.1: Number and Percentage of Passengers Subjected to Personal Searches in 1997 and 1998 by Gender, Race, Fiscal Year, Citizenship Status, Type of Search, and Search Results

		Number	Percent
Fiscal year	1997	49,624	49
	1998	52,468	51
Gender	Female	24,431	24
	Male	76,342	75
	Missing data	1,319	1
Race	White	25,634	25
	Black	12,777	13
	Asian	8,450	8
	Hispanic	31,397	31
	Native American	79	0
	Missing data	23,755	23
Citizenship	U.S. citizen	30,004	29
	Noncitizen	50,819	50
	Missing data	21,269	21
Type of search	Frisk/patdown	96,769	95
	Strip	3,872	4
	X-ray	1,419	1
	Body cavity	32	0
Search results	Negative	97,752	96
	Positive	4340	4

Note 1: All percentages are calculated on the basis of the total number of passengers subjected to personal searches (102,092).

Note 2: Some passengers who were x-rayed may have been strip-searched as well. All passengers who were strip-searched and x-rayed were first either patted down or frisked.

Source: GAO analysis of U.S. Customs data.

Table I.2 shows the numbers and percentages of individuals in each fiscal year that were subjected to the various types of searches. The more intrusive searches occurred with the same relative frequency in fiscal years 1997 and 1998.

Appendix I
Objectives, Scope, Methodology, and Additional Results of Analysis

Table I.2: Number and Percent of Passengers Subject to Types of Searches by Fiscal Year, Gender, Race, and Citizenship

	Nonintrusive		Intrusive				Total number
	Frisk /patdown		Strip-Search		X-ray		
	Number	Percent	Number	Percent	Number	Percent	
Fiscal year							
1997	47,134	95	1,775	4	696	1	49,605
1998	49,635	95	2,097	4	723	1	52,455
Gender							
Female	22,716	93	1,334	5	364	1	24,414
Male	72,976	96	2,338	3	1015	1	76,329
Missing data	1,077	82	200	15	40	3	1,317
Race							
White	23,644	92	1,820	7	154	1	25,618
Black	11,494	90	785	6	490	4	12,769
Asian	8,304	98	138	2	7	0	8,449
Hispanic	30,261	96	569	2	565	2	31,395
Native American	72	91	7	9	0	0	79
Missing data	22,994	97	553	2	203	1	23,750
Citizenship							
U.S.	28,011	93	1,562	5	421	1	29,994
Noncitizen	48,421	95	1,557	3	824	2	50,802
Missing data	20,337	96	753	4	174	1	21,264

Note: All percentages are calculated on the basis of the total number of passengers subjected to personal searches (102,060), excluding body cavity searches.

Source: GAO analysis of U.S. Customs data.

The percentages of passengers being intrusively searched, as opposed to nonintrusively searched, appeared to be similar for those persons for whom information on citizenship and race was missing and those for whom such information was available. However, the 1,317 persons for whom information on gender was missing were considerably more likely than others to have been strip-searched or x-rayed. For example, 15 percent of those searched passengers for whom information on gender was missing were strip-searched, but 5 percent of those known to be women and 3 percent of those known to be men were strip-searched.

Table I.3 shows that positive search results occurred in about 4 percent of all searches for both men and women. Searches of Blacks and Whites were more likely to yield positive findings than searches of Hispanics and Asians, and searches of citizens were more often positive than searches of noncitizens. There were sizable differences in the percentages of nonintrusive and intrusive searches that yielded positive results. X-ray results were positive 31 percent of the time, positive strip-searches

occurred 23 percent of the time, and positive frisks and patdowns occurred 3 percent of the time. These latter differences in the percentages of positive results by type of search may account for some or all of the differences in the percentages of positive results across race and citizenship categories. As table I.2 showed, there were differences across race and citizenship categories in the percentages subjected to the different types of searches.

Table I.3: Number and Percent of Passengers With Positive or Negative Search Results by Fiscal Year, Gender, Race, Citizenship Status, and Type of Search

	Negative		Positive		
	Number	Percent	Number	Percent	Total Number
Fiscal year					
1997	47,406	96	2,218	4	49,624
1998	50,346	96	2,122	4	52,468
Gender					
Female	23,445	96	986	4	24,431
Male	73,370	96	2,972	4	76,342
Missing data	937	71	382	29	1,319
Race					
White	23,950	93	1,684	7	25,634
Black	11,905	93	872	7	12,777
Asian	8,168	97	282	3	8,450
Hispanic	30,423	97	974	3	31,397
Native American	76	96	3	4	79
Missing data	23,230	98	525	2	23,755
Citizenship					
U.S.	28,259	94	1,745	6	30,004
Noncitizen	49,044	97	1,775	3	50,819
Missing data	20,449	96	820	4	21,269
Type of search					
Frisk/patdown	93,764	97	3,005	3	96,769
Strip	2,989	77	883	23	3,872
X-ray	985	69	434	31	1,419
Body cavity	14	44	18	56	32

Note: All percentages are calculated on the basis of the total number of passengers subjected to personal searches (102,092).

Source: GAO analysis of U.S. Customs data.

Tables I.1, I.2, and I.3 suggest that a number of characteristics that we examined are related to passengers being intrusively searched and to searches being positive. However, the differences are potentially misleading because they involve looking at the effect of each characteristic independently of the other characteristics. Because we were concerned

that the effects of certain characteristics may account for or interact with others, we cross-classified the types and outcomes of searches by each of the four characteristics (fiscal year, gender, citizenship, and race) simultaneously and, using multivariate techniques, estimated the effect of each characteristic controlling for every other characteristic.³

Table I.4 shows the numbers and percentages of searched persons who were patted down or frisked, strip-searched, and x-rayed for each of the categories of individuals who were cross-classified by gender, race, and citizenship in each fiscal year. Tables I.5 and I.6 show the actual numbers and percentages of persons searched for whom positive search outcomes resulted, again for each of the categories of individuals who were cross-classified by gender, race, and citizenship in each fiscal year, for persons strip-searched (table I.5) and x-rayed (table I.6).

³ Our multivariate results are on the basis of the 67,553 cases with no missing data. However, we did repeat the analysis including cases that were coded as missing and found that the overall results with respect to the effects of sex, race, citizenship, and year were similar.

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Table I.4: Number and Percentage of Frisks/Patdowns, Strip-Searches, and X-ray Searches by Fiscal Year, Citizenship, Race, and Gender

Fiscal year	Citizenship status	Race	Gender	Type of search						Total number
				Frisk / Patdown		Strip-search		X-ray		
				Number	Percent	Number	Percent	Number	Percent	
1997	Noncitizen	White	Male	2,567	93	188	7	18	1	2,773
		White	Female	732	93	42	5	9	1	783
		Black	Male	1,717	92	67	4	77	4	1,861
			Female	913	88	100	10	29	3	1,042
		Asian	Male	1,672	98	25	1	2	0	1,699
			Female	625	97	22	3	0	0	647
		Hispanic	Male	8,089	97	99	1	174	2	8,362
			Female	2,209	95	76	3	35	2	2,320
	U.S.	White	Male	4,592	94	275	6	24	0	4,891
			Female	1,369	93	98	7	12	1	1,479
		Black	Male	1,176	92	58	5	47	4	1,281
			Female	738	82	106	12	54	6	898
		Asian	Male	876	99	8	1	1	0	885
			Female	338	97	8	2	1	0	347
		Hispanic	Male	1,989	95	51	2	45	2	2,085
			Female	548	87	67	11	15	2	630
1998	Noncitizen	White	Male	3,079	89	344	10	36	1	3,459
			Female	698	88	86	11	7	1	791
		Black	Male	2,106	92	76	3	115	5	2,297
			Female	1,005	89	86	8	38	3	1,129
		Asian	Male	1,584	99	22	1	0	0	1,606
			Female	564	97	18	3	1	0	583
		Hispanic	Male	9,258	97	101	1	160	2	9,519
			Female	2,217	95	75	3	41	2	2,333
	U.S.	White	Male	5,440	92	435	7	22	0	5,897
			Female	1,352	92	100	7	15	1	1,467
		Black	Male	1,294	89	94	6	61	4	1,449
			Female	719	85	96	11	33	4	848
		Asian	Male	1,067	99	11	1	0	0	1,078
			Female	340	97	10	3	1	0	351
		Hispanic	Male	2,178	97	21	1	43	2	2,242
			Female	484	93	27	5	10	2	521

Note: These totals are based on the 67,553 cases with no missing data. These totals also exclude body cavity searches and Native Americans.

Source: GAO analysis of U.S. Customs data.

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Table I.5: Number and Percentage of Positive and Negative Searches for Strip-Searches by Gender, Race, Citizenship Status, and Fiscal Year

Fiscal year	Citizenship status	Race	Gender	Results for strip-searches				Total number
				Negative		Positive		
				Number	Percent	Number	Percent	
1997	Noncitizen	White	Male	157	84	31	16	188
			Female	31	74	11	26	42
		Black	Male	49	73	18	27	67
			Female	88	88	12	12	100
		Asian	Male	23	92	2	8	25
			Female	18	82	4	18	22
		Hispanic	Male	60	61	39	39	99
			Female	61	80	15	20	76
	U.S.	White	Male	203	74	72	26	275
			Female	77	79	21	21	98
		Black	Male	31	53	27	47	58
			Female	77	73	29	27	106
		Asian	Male	8	100	0	0	8
			Female	8	100	0	0	8
		Hispanic	Male	26	51	25	49	51
			Female	46	69	21	31	67
1998	Noncitizen	White	Male	296	86	48	14	344
			Female	73	85	13	15	86
		Black	Male	47	62	29	38	76
			Female	74	86	12	14	86
		Asian	Male	17	77	5	23	22
			Female	16	89	2	11	18
		Hispanic	Male	72	71	29	29	101
			Female	57	76	18	24	75
	U.S.	White	Male	355	82	80	18	435
			Female	87	87	13	13	100
		Black	Male	62	66	32	34	94
			Female	69	72	27	28	96
		Asian	Male	10	91	1	9	11
			Female	7	70	3	30	10
		Hispanic	Male	16	76	5	24	21
			Female	17	63	10	37	27

Note: These totals are based on the 67,553 cases with no missing data. These totals exclude body cavity searches and Native Americans.

Source: GAO analysis of U.S. Customs data.

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Table I.6: Number and Percentage of Positive and Negative Searches for X-ray by Gender, Race, Citizenship Status, and Fiscal Year

Fiscal year	Citizenship status	Race		Results for x-ray searches				Total
				Negative		Positive		
				Number	Percent	Number	Percent	
1997	Noncitizen	White	Male	9	50	9	50	18
			Female	4	44	5	56	9
		Black	Male	38	49	39	51	77
			Female	23	79	6	21	29
		Asian	Male	2	100	0	0	2
			Female	0	0	0	0	0
		Hispanic	Male	118	68	56	32	174
			Female	22	63	13	37	35
	U.S.	White	Male	18	75	6	25	24
			Female	4	33	8	67	12
		Black	Male	27	57	20	43	47
			Female	39	72	15	28	54
		Asian	Male	1	100	0	0	1
			Female	1	100	0	0	1
		Hispanic	Male	32	71	13	29	45
			Female	9	60	6	40	15
1998	Noncitizen	White	Male	24	67	12	33	36
			Female	5	71	2	29	7
		Black	Male	71	62	44	38	115
			Female	27	71	11	29	38
		Asian	Male	0	0	0	0	0
			Female	1	100	0	0	1
		Hispanic	Male	120	75	40	25	160
			Female	31	76	10	24	41
	U.S.	White	Male	17	77	5	23	22
			Female	9	60	6	40	15
		Black	Male	38	62	23	38	61
			Female	26	79	7	21	33
		Asian	Male	0	0	0	0	0
			Female	1	100	0	0	1
		Hispanic	Male	32	74	11	26	43
			Female	6	60	4	40	10

Source: GAO analysis of U.S. Customs data.

To distinguish the statistically significant effects from insignificant effects in these tables, we fit a series of models, which varied in terms of the direct and interactive effects they included.⁴ The top panel of table I.7

⁴ A main effect includes, for example, the relationship between gender and the likelihood of being strip-searched. An interaction effect includes, for example, the relationship between a category of race and gender on the likelihood of being strip-searched.

shows the models fitted to table I.4 when x-rays are excluded and the numbers of persons strip-searched are compared to the numbers patted down or frisked. The bottom panel of table I.7 shows the models fitted to table I.4 when strip-searches are excluded and the numbers of persons x-rayed are compared to the numbers patted down or frisked. The two panels in table I.8 show models fitted to the two tables in which positive and negative search outcomes are contrasted for strip-searches and for x-rays.

The models we fit were logistic regression models that allowed the four characteristics (fiscal year, gender, citizenship, and race) to be related to one another but varied in terms of the main and interaction effects of those characteristics on whether searches were intrusive and whether intrusive searches were positive. In each of these analyses we fit and compared a series of four models.

- Model 1 is a baseline model of independence.
- Model 2 is a main effects model, which includes all direct effects of all independent variables (e.g., race, gender, fiscal years, citizenship).
- Model 3 includes all two-way interactions between factors in addition to the main effects included in Model 2.
- Model 4, which eliminates the insignificant variables ($p > .05$), is the preferred (final) model for each table. Model 4, in all analyses, fits the data acceptably ($p < .10$) and/or accounted for the large bulk (60%) of the associations present in the data.

Table I.7: Models Fitted Tables in Which (1) Being Strip-Searched Versus Nonintrusively Searched and (2) X-rayed Versus Nonintrusively Searched are Cross-Classified by Fiscal Year, Citizenship, Gender, and Race

Marginals/effects fitted		Likelihood ratio chi-square	df	P	Explained variation ^a
Strip searches versus nonintrusive searches					
Model 1	{YCSR} {T}	1686.6	31	<.001	0%
Model 2	{YCSR} {YT}{CT}{RT}{ST}	355.8	25	<.001	79%
Model 3	{YCSR} {YCT}{YRT}{YST}{CST}{CRT}{SRT}	37.2	13	<.001	98%
Model 4	{YCSR}{YT}{CT}{RT}{YR _W }{CR _{BH} }{SR _W }{T}	62.7	22	<.001	96%
X-ray searches versus nonintrusive searches					
Model 1	{YCSR} {T}	733.3	31	<.001	0%
Model 2	{YCSR} {YT}{CT}{RT}{ST}	59.6	25	<.001	92%
Model 3	{YCSR} {YCT}{YRT}{YST}{CST}{CRT}{SRT}	17.6	13	.17	98%
Model 4	{YCSR}{RT}{ST}{CST}{CR _W }{T}	32.8	25	.14	96%

^aThe percentage of explained variation refers to the amount of variability in the 32 different observed likelihoods in each table that is accounted for by the model.

Note: Bracketed letters refer to variables that are associated with one another under the differing models: Y = Fiscal year, C = Citizenship, S = Gender, and R = Race. Subscripts denote the particular categories of race that are involved in the interactions under the differing models: W = White, H = Hispanic, B = Black. T= the outcome of being subject to either a strip or x-ray search.

Source: GAO analysis of U.S. Customs data.

Table I.8: Models Fitted to Tables in Which Search Outcomes are Cross-Classified by Fiscal Year, Citizenship, Gender, and Race for Passengers (1) Strip-Searches and (2) X-rayed.

Marginals/effects fitted		Likelihood ratio chi-square	df	P	Explained variation ^a
Positive versus negative results for strip-searches					
Model 1	{YCSR} {T}	138.0	31	<.001	0%
Model 2	{YCSR} {YT}{CT}{RT}{ST}	46.8	25	.005	66%
Model 3	{YCSR} {YCT}{YRT}{YST}{CST}{CRT}{SRT}	22.6	13	.047	84%
Model 4	{YCSR}{YT}{CT}{RT}{ST}{SR _b T}	40.6	25	.026	71%
Positive versus negative results for x-ray searches					
Model 1	{YCSR} {T}	43.5	31	.067	0%
Model 2	{YCSR} {YT}{CT}{RT}{ST}	25.4	25	.440	42%
Model 3	{YCSR} {YCT}{YRT}{YST}{CST}{CRT}{SRT}	5.7	13	.956	87%
Model 4	{YCSR}{YT}{RT}{SR _b T}	17.7	28	.934	60%

^a The percentage of explained variation refers to the amount of variability in the 32 different observed likelihoods in each table that is accounted for by the model.

Note: Bracketed letters refer to variables that are associated with one another under the differing models: Y = Fiscal year, C = Citizenship, S = Gender, and R = Race. Subscripts denote the particular categories of race that are involved in the interactions under the differing models: W = White, H = Hispanic, B = Black. T= the outcome of the search being positive for finding contraband.

Source: GAO analysis of U.S. Customs data.

The Likelihood of Being Strip-Searches

The model chosen as the preferred model to describe the effects of fiscal year, race, gender, and citizenship on the likelihood of being strip-searched as opposed to simply frisked or patted down is one that involves the effects of all factors, some of which are interacting. The effects of the four factors can be seen in the ratios in table I.9 and are described as follows:

- The effect of fiscal year (or the change from 1997 to 1998) is different for minorities and Whites. Among searched minorities, the likelihood of being strip-searched declined slightly by a factor of .87. For Whites, however, the likelihood of being strip-searched increased between 1997 and 1998 by a factor of 1.40. This was true for both men and women and for citizens as well as noncitizens.
- The effect of citizenship is different for Blacks and Hispanics from the effects for Whites and Asians. Among Whites and Asians, citizens are less likely than noncitizens to be strip-searched, by a factor of 0.76; among

Blacks and Hispanics, citizens are more likely than noncitizens to be strip-searched, by factors of 1.51 and 1.97, respectively.

- Race interacts with fiscal year and citizenship. In general, though, minorities are less likely to be strip-searched than Whites. Among citizens, however, Black women were nearly 3 times as likely as White women (2.78) to have been strip-searched as opposed to nonintrusively searched in 1997, and they were nearly twice as likely (1.73) to have been strip-searched in 1998.
- Gender has an effect for minorities, but no effect for Whites. Among all three minority groups, women were 2.81 times as likely as men to be strip-searched. Among Whites, however, men and women were equally likely to be strip-searched. This gender effect was the same for both citizens and noncitizens in both fiscal years.

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Table I.9: Expected Frequencies Under the Preferred Model in Which Type of Search Is Cross-Classified by Fiscal Year, Citizenship, Race, and Gender, for Strip-searches versus Nonintrusive Searches

Fiscal year	Citizenship status	Race	Gender	Strip-searches (expected frequencies)			Gender ratio	Race ratio	Citizenship ratio	Fiscal year ratio
				Nonintrusive	Strip-Search	Likelihoods of strip-search				
1997	Noncitizen	White	Male	2558.23	196.77	0.0769				
			Female	718.72	55.28	0.0769	1.00			
		Black	Male	1718.10	65.90	0.0384		0.50		
			Female	914.45	98.55	0.1078	2.81	1.40		
		Asian	Male	1673.75	23.25	0.0139		0.18		
			Female	622.70	24.30	0.0390	2.81	0.51		
		Hispanic	Male	8086.00	102.00	0.0126		0.16		
			Female	2206.78	78.22	0.0354	2.81	0.46		
	U.S.	White	Male	4597.33	269.67	0.0587			0.76	
			Female	1385.72	81.28	0.0587	1.00		0.76	
		Black	Male	1166.42	67.58	0.0579		0.99	1.51	
			Female	725.84	118.16	0.1628	2.81	2.78	1.51	
		Asian	Male	874.73	9.27	0.0106		0.18	0.76	
			Female	336.00	10.00	0.0298	2.81	0.51	0.76	
1998	Noncitizen	White	Male	3090.24	332.76	0.1077				1.40
			Female	707.79	76.21	0.1077	1.00			1.40
		Black	Male	2111.29	70.71	0.0335		0.31		0.87
			Female	997.16	93.84	0.0941	2.81	0.87		0.87
		Asian	Male	1586.75	19.25	0.0121		0.11		0.87
			Female	562.82	19.18	0.0341	2.81	0.32		0.87
		Hispanic	Male	9257.03	101.97	0.0110		0.10		0.87
			Female	2223.19	68.81	0.0310	2.81	0.29		0.87
	U.S.	White	Male	5429.16	445.84	0.0821			0.76	1.40
			Female	1341.81	110.19	0.0821	1.00		0.76	1.40
		Black	Male	1321.16	66.84	0.0506		0.62	1.51	0.87
			Female	713.57	101.43	0.1421	2.81	1.73	1.51	0.87
		Asian	Male	1068.12	9.88	0.0093		0.11	0.76	0.87
			Female	341.13	8.87	0.0260	2.81	0.32	0.76	0.87
		Hispanic	Male	2152.20	46.80	0.0217		0.26	1.97	0.87
			Female	481.58	29.42	0.0611	2.81	0.74	1.97	0.87

Note: The gender ratios compare the likelihood of being subjected to strip-searches for women relative to men within race, citizenship, and fiscal year categories. The race ratios compare the likelihood of being subjected to strip-searches for Blacks, Hispanics, and Asians relative to Whites within gender, citizenship, and fiscal year categories. The citizenship ratios compare the likelihood of being subjected to strip-searches for U.S. citizens relative to noncitizens within gender, race, and fiscal year categories. The fiscal year ratios compare the likelihood of being subjected to strip-searches in 1998 relative to 1997 within gender, race, and citizenship categories.

Source: GAO analysis of U.S. Customs data.

The Likelihood of Being X-Rayed

The results of the preferred model to describe the effects of fiscal year, race, gender, and citizenship on the likelihood of being x-rayed as opposed to simply frisked or patted down is depicted in table I.10 and are described as follows:

- There was no change from fiscal years 1997 to 1998.
- The effect of citizenship is different for minorities from the effect for Whites and different among men and women. Among minority men, there were no differences between citizens and noncitizens in the likelihood of being x-rayed. Among White women, the difference was slight (i.e., citizens were slightly less likely to be x-rayed, by a factor of 0.9). Among minority women, however, citizens were more likely than noncitizens to be x-rayed, by a factor of 1.7. This difference was the same in both fiscal years.
- The effect of race and the differences between Blacks and Whites, and between Hispanics and Whites, are greater among citizens than among noncitizens. Among noncitizens, Blacks and Hispanics were more likely than Whites to be x-rayed, by factors of 4.5 and 1.9, respectively; Asians were much less likely to be x-rayed than Whites. Among citizens, however, Blacks and Hispanics were 8.7 and 3.7 times as likely as Whites to be x-rayed.
- The effect of gender on the likelihood of being x-rayed is the same for minorities as for Whites and the same in both fiscal years. It differed, however, for citizens and noncitizens. Among noncitizens, women were .8 times as likely to be x-rayed than men; among citizens, women were 1.4 times as likely as men to be x-rayed.

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Table I.10: Expected Frequencies Under the Preferred Model for the Table in Which Type of Search Is Cross-Classified by Fiscal Year, Citizenship, Race, and Gender, for X-ray Searches versus Nonintrusive Searches

Fiscal year	Citizenship status	Race	Gender	X-ray searches (expected frequencies)			Gender ratio	Race ratio	Citizenship ratio	Fiscal year ratio
				Nonintrusive	X-ray	Likelihoods of x-ray				
1997	Noncitizen	White	Male	2558.85	26.15	0.0102				
			Female	734.67	6.33	0.0086	0.84			
		Black	Male	1715.58	78.42	0.0457		4.47		
			Female	907.06	34.94	0.0385	0.84	4.47		
		Asian	Male	1672.60	1.40	0.0008		0.08		
			Female	624.56	0.44	0.0007	0.84	0.08		
		Hispanic	Male	8104.11	158.89	0.0196		1.92		
			Female	2207.52	36.48	0.0165	0.84	1.92		
	U.S.	White	Male	4591.73	24.27	0.0053			0.52	
			Female	1370.94	10.06	0.0073	1.39		0.85	
		Black	Male	1169.54	53.46	0.0457		8.65	1.00	
			Female	744.72	47.28	0.0635	1.39	8.65	1.65	
		Asian	Male	876.26	0.74	0.0008		0.16	1.00	
			Female	338.60	0.40	0.0012	1.39	0.16	1.65	
		Hispanic	Male	1994.89	39.11	0.0196		3.71	1.00	
			Female	548.08	14.92	0.0272	1.39	3.71	1.65	
1998	Noncitizen	White	Male	3083.49	31.51	0.0102				1.00
			Female	698.98	6.02	0.0086	0.84			1.00
		Black	Male	2123.91	97.09	0.0457		4.47		1.00
			Female	1004.31	38.69	0.0385	0.84	4.47		1.00
		Asian	Male	1582.67	1.33	0.0008		0.08		1.00
			Female	564.60	0.40	0.0007	0.84	0.08		1.00
		Hispanic	Male	9236.90	181.10	0.0196		1.92		1.00
			Female	2221.30	36.70	0.0165	0.84	1.92		1.00
	U.S.	White	Male	5433.29	28.71	0.0053			0.52	1.00
			Female	1357.04	9.96	0.0073	1.39		0.85	1.00
		Black	Male	1295.77	59.23	0.0457		8.65	1.00	1.00
			Female	707.11	44.89	0.0635	1.39	8.65	1.65	1.00
		Asian	Male	1066.10	0.90	0.0008		0.16	1.00	1.00
			Female	340.60	0.40	0.0012	1.39	0.16	1.65	1.00
		Hispanic	Male	2178.29	42.71	0.0196		3.71	1.00	1.00
			Female	480.91	13.09	0.0272	1.39	3.71	1.65	1.00

Note: The gender ratios compare the likelihood of being subjected to strip-searches for women relative to men within race, citizenship, and fiscal year categories. The race ratios compare the likelihood of being subjected to strip-searches for Blacks, Hispanics, and Asians relative to Whites within gender, citizenship, and fiscal year categories. The citizenship ratios compare the likelihood of being subjected to strip-searches for U.S. citizens relative to noncitizens within gender, race, and fiscal year categories. The fiscal year ratios compare the likelihood of being subjected to strip-searches in 1998 relative to 1997 within gender, race, and citizenship categories.

Source: GAO analysis of U.S. Customs data.

The Likelihood of Strip-Searches Being Positive

The results of the preferred model to describe the effects of fiscal year, race, gender, and citizenship on the likelihood of strip-searches having positive results are depicted in table I.11 and are described as follows:

- There was a small decline in the likelihood of strip-searches being positive between 1997 and 1998. All groups were less likely to be found carrying contraband by a factor of 0.8.
- In both fiscal years, among men and women of all races, citizens were 1.5 times as likely as noncitizens to be found with contraband when they were strip-searched.
- Race interacted with gender; that is, the difference between Blacks and Whites was less pronounced among women than men. For both men and women, Hispanics were 2.4 times as likely to yield positive strip-search results as Whites, and Asians were equally as likely as Whites to yield positive results. Blacks were, like Hispanics, about 2.4 times as likely as Whites to yield positive results among men, but 1.4 times as likely to yield positive results among women who were strip-searched.
- Although women were, among minorities, more likely than men to be strip-searched when they were searched, their strip-searches were not more likely than those of their male counterparts to yield positive results. Among Whites, Hispanics, and Asians, strip-searches of women were less likely than strip-searches of men to yield positive results, by a factor of 0.8. Among Blacks, strip-searches of women were less than half as likely as strip-searches of men to yield a positive result.

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Table I.11: Expected Frequencies Under the Preferred Model for the Table in Which Result of Search Is Cross-Classified by Fiscal Year, Citizenship, Race, and Gender, for Strip-Searches Only

Fiscal year	Citizenship status	Race	Gender	Results from strip-searches (expected frequencies)			Gender ratio	Race ratio	Citizenship ratio	Fiscal year ratio
				Negative	Positive	Likelihoods of positive				
1997	Noncitizen	White	Male	155.40	32.60	0.2098				
			Female	36.11	5.89	0.1630	0.78			
		Black	Male	44.22	22.78	0.5152		2.46		
			Female	81.25	18.75	0.2307	0.45	1.42		
		Asian	Male	20.66	4.34	0.2098		1.00		
			Female	18.92	3.08	0.1630	0.78	1.00		
		Hispanic	Male	66.35	32.65	0.4921		2.35		
			Female	54.98	21.02	0.3823	0.78	2.35		
	U.S.	White	Male	209.66	65.34	0.3116			1.49	
			Female	78.90	19.10	0.2421	0.78		1.49	
		Black	Male	32.86	25.14	0.7652		2.46	1.49	
			Female	78.95	27.05	0.3427	0.45	1.42	1.49	
		Asian	Male	6.10	1.90	0.3116		1.00	1.49	
			Female	6.44	1.56	0.2421	0.78	1.00	1.49	
		Hispanic	Male	29.46	21.54	0.7310		2.35	1.49	
			Female	42.73	24.27	0.5679	0.78	2.35	1.49	
1998	Noncitizen	White	Male	294.34	49.66	0.1687				0.80
			Female	76.03	9.97	0.1311	0.78			0.80
		Black	Male	53.74	22.26	0.4143		2.46		0.80
			Female	72.54	13.46	0.1855	0.45	1.42		0.80
		Asian	Male	18.82	3.18	0.1687		1.00		0.80
			Female	15.91	2.09	0.1311	0.78	1.00		0.80
		Hispanic	Male	72.36	28.64	0.3958		2.35		0.80
			Female	57.36	17.64	0.3075	0.78	2.35		0.80
	U.S.	White	Male	347.82	87.18	0.2506			1.49	0.80
			Female	83.70	16.30	0.1947	0.78		1.49	0.80
		Black	Male	58.19	35.81	0.6155		2.46	1.49	0.80
			Female	75.26	20.74	0.2756	0.45	1.42	1.49	0.80
		Asian	Male	8.80	2.20	0.2506		1.00	1.49	0.80
			Female	8.37	1.63	0.1947	0.78	1.00	1.49	0.80
		Hispanic	Male	13.22	7.78	0.5880		2.35	1.49	0.80
			Female	18.53	8.47	0.4568	0.78	2.35	1.49	0.80

Note: The gender ratios compare the likelihood of being subjected to strip-searches for women relative to men within race, citizenship, and fiscal year categories. The race ratios compare the likelihood of being subjected to strip-searches for Blacks, Hispanics, and Asians relative to Whites within gender, citizenship, and fiscal year categories. The citizenship ratios compare the likelihood of being subjected to strip-searches for U.S. citizens relative to noncitizens within gender, race, and fiscal year categories. The fiscal year ratios compare the likelihood of being subjected to strip-searches in 1998 relative to 1997 within gender, race, and citizenship categories.

Source: GAO analysis of U.S. Customs data.

The Likelihood of X-Ray Searches Being Positive

The results of the preferred model to describe the effects of fiscal year, race, gender, and citizenship on the likelihood of x-ray searches being positive are depicted in table I.12 and are described as follows:

- There was a somewhat larger decline in the likelihood of x-ray searches being positive between 1997 and 1998 than was the case for strip-searches. All groups were less likely to be found to be carrying contraband when x-rayed, by a factor of 0.7.
- Citizenship had no effect on the likelihood of x-ray results being positive.
- Race interacted with gender in its effect on whether x-ray searches were positive. Hispanics and Asians were less likely to be found carrying contraband than Whites among both male and women passengers x-rayed, and Blacks were less likely to be found carrying contraband than Whites among women. Among men, Blacks were equally as likely to be found carrying contraband as Whites.
- X-rays were equally as likely to yield positive results for women and men among Whites, Hispanics, and Asians, but less than half as likely to yield positive results for women than men among Blacks.

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Table I.12: Expected Frequencies Under the Preferred Model for the Table in Which Result of Search Is Cross-Classified by Fiscal Year, Citizenship, Race, and Gender, for X-ray Searches Only

		Results from x-ray searches (expected frequencies)					Gender ratio	Race ratio	Citizenship ratio	Year ratio
Fiscal year	Citizenship status	Race	Gender	Negative	Positive	Likelihoods of positive				
1997	Noncitizen	White	Male	9.93	8.17	0.8232				
			Female	4.99	4.11	0.8232	1.00			
		Black	Male	42.29	34.81	0.8232		1.00		
			Female	20.86	8.24	0.3950	0.48	0.48		
		Asian	Male	1.42	0.68	0.4779		0.58		
			Female	0.07	0.03	0.4779	1.00	0.58		
		Hispanic	Male	117.80	56.30	0.4779		0.58		
			Female	23.75	11.35	0.4779	1.00	0.58		
	U.S.	White	Male	13.22	10.88	0.8232			1.00	
			Female	6.64	5.46	0.8232	1.00		1.00	
		Black	Male	25.83	21.27	0.8232		1.00	1.00	
			Female	38.78	15.32	0.3950	0.48	0.48	1.00	
		Asian	Male	0.74	0.36	0.4779		0.58	1.00	
			Female	0.74	0.36	0.4779	1.00	0.58	1.00	
1998	Noncitizen	White	Male	22.75	13.35	0.5869				0.71
			Female	4.47	2.63	0.5869	1.00			0.71
		Black	Male	72.53	42.57	0.5869		1.00		0.71
			Female	29.73	8.37	0.2816	0.48	0.48		0.71
		Asian	Male	0.07	0.03	0.3407		0.58		0.71
			Female	0.82	0.28	0.3407	1.00	0.58		0.71
		Hispanic	Male	119.41	40.69	0.3407		0.58		0.71
			Female	30.66	10.44	0.3407	1.00	0.58		0.71
	U.S.	White	Male	13.93	8.17	0.5869			1.00	0.71
			Female	9.52	5.58	0.5869	1.00		1.00	0.71
		Black	Male	38.50	22.60	0.5869		1.00	1.00	0.71
			Female	25.83	7.27	0.2816	0.48	0.48	1.00	0.71
		Asian	Male	0.07	0.03	0.3407		0.58	1.00	0.71
			Female	0.82	0.28	0.3407	1.00	0.58	1.00	0.71
		Hispanic	Male	32.15	10.95	0.3407		0.58	1.00	0.71
			Female	7.53	2.57	0.3407	1.00	0.58	1.00	0.71

Note: The gender ratios compare the likelihood of being subjected to strip-searches for women relative to men within race, citizenship, and fiscal year categories. The race ratios compare the likelihood of being subjected to strip-searches for Blacks, Hispanics, and Asians relative to Whites within gender, citizenship, and fiscal year categories. The citizenship ratios compare the likelihood of being subjected to strip-searches for U.S. citizens relative to noncitizens within gender, race, and fiscal year categories. The fiscal year ratios compare the likelihood of being subjected to strip-searches in 1998 relative to 1997 within gender, race, and citizenship categories.

Source: GAO analysis of U.S. Customs data.

Customs' Policies and Procedures for Conducting Personal Searches

To determine Customs' policies and procedures for conducting personal searches, we interviewed Customs headquarters officials in the Office of Field Operations, Passenger Processing Operations. We also met with officials from the Office of Chief Counsel to discuss Customs' border search authority, several recent lawsuits, and the bases for changing and drafting new search policies implemented at airports around the country.

We also reviewed agency program documents, including the Handbook (March 1997) and the revised version (September 1999); Customs' Law Course; and Passenger Selectivity Training provided at the Federal Law Enforcement Training Center (FLETC) at Glynco, GA.

We reviewed recent directives and proposed changes to Customs' personal search policies and procedures. We also reviewed reports and recommendations from internal and external organizations, including the Customs' Passenger Processing Targeting Committee and the Department of the Treasury's Office of Professional Responsibility.

To determine how policies and procedures were implemented at airports around the country and obtain views of inspectors and supervisors, we conducted an anonymous national mail survey. We were not able to interview inspectors or supervisors conducting passenger processing because Customs headquarters officials told us that we would be interfering with on-going investigations or "active" cases.⁵

We had planned to obtain the views of inspectors and supervisors at the four airports we visited about (1) air passenger inspection policies and procedures; (2) training related to passenger processing; and (3) the impact, if any, of awards and promotions on the number and types of personal searches conducted. Customs' Chief Counsel's Office insisted that one of its attorneys be present at all of our interviews with the inspectors and supervisors in order to protect the interests of Customs and possible legal interests of inspectors who could be subject to litigation involving personal searches. Also, the Chief Counsel said that counsel would treat the interviews as informal depositions and help ensure that our questions were consistent with the objectives of the review. Customs also stated that "inspectors cannot be immune from disciplinary action resulting from an admission to GAO that they violated Customs policy or a regulation, which is made in front of Chief Counsel. Therefore, responses

⁵ In developing our methodology, we discussed personal searches with inspectors and supervisors at Washington Dulles International Airport, located in Virginia.

are not confidential.” Customs added that inspectors and supervisors would meet with us on a voluntary basis.

In commenting on our draft report, Customs said that inspectors and supervisors who we sought to interview were all potential defendants who could be personally liable in civil lawsuits on the basis of actions, policies, and procedures on which we wanted to question them. In addition, Customs added that Treasury employees, including its attorneys who would attend inspector interviews, are obligated by Customs to report evidence of misconduct and could not grant blanket immunity to inspectors who would be interviewed, as requested by the National Treasury Employees Union.

Subsequently, the National President of the National Treasury Employees Union recommended that inspectors not participate in interviews with us because there was no guarantee that employees would be immune from discipline based on an admission to us that they violated Customs policy or regulation. Prior to Customs’ decision to treat our interviews as depositions and its concern about the issue of disciplinary action, the Union was supportive of our interviewing inspectors.

On January 14, 1999, the Commissioner of Customs sent a letter to the Comptroller General suggesting that as an alternative to inspector and supervisor interviews, we conduct an anonymous mail survey of airport inspectors and supervisors. We subsequently developed an anonymous mail survey to obtain the views of inspectors and supervisors assigned to air passenger processing. The Union provided us with a letter to its members that supported our mail survey and requested its members to complete it.

We sent surveys to all 1,176 inspectors and all 177 supervisors assigned to passenger processing at 15 airports in the United States with the largest volume of international passengers. The surveys included questions on targeting methods, personal search practices, and training. The response rate for inspectors was 66 percent, and for supervisors the response rate was 74 percent. See appendix II and appendix III for copies of our survey instruments.

The practical difficulties of conducting any survey may introduce nonsampling errors. Differences in the wording of questions, in the sources of information available to respondents, or in the types of people who do not respond can lead to somewhat different results. We took steps to minimize nonsampling errors. For example, we developed our survey

questions with the aid of a survey specialist and pretested the questions prior to submitting them to inspectors and supervisors.

To obtain data on the reasons passengers were selected for searches, we reviewed 70 random patdown search reports for all searches conducted in fiscal years 1997 and 1998. We focused on patdowns because they represent the first level of personal search. Because patdowns at that time were to be conducted at the discretion of the inspector, we could obtain the reasons provided by the inspector for initiating the search. Our sample was selected from the database for the Automated Passenger Analysis System, which contains all passenger search and seizure information, both positive and negative. A separate population was created to limit the scope of the sampling to fiscal years 1997 and 1998 in-bound commercial air passengers who had been subject to patdown searches. The populations consisted of a total of 85,800 search reports. Because of the small sample size, we did not project the results to the population.

Customs' Management Controls

To determine the management controls in place that were intended to ensure that passengers are not inappropriately subjected to personal searches, we interviewed key officials at Customs headquarters and at the four ports. We identified four internal controls that could be used to ensure that inspectors are conducting personal searches in accordance with prescribed guidelines. These are (1) training on personal search procedures; (2) supervisory oversight and approval for referrals to pursue personal searches; (3) a complaint process to identify and resolve passenger complaints related to personal searches; and (4) the Compliance Examination Measurement System (COMPEX), which measures the effectiveness of passenger targeting for secondary searches and passenger compliance with the laws that Customs enforces, including drug laws.

At each port we interviewed the port directors, supervisory inspectors designated by the ports, and passenger service representatives responsible for handling passenger complaints. To determine training standards and requirements for supervisors and inspectors related to personal search policies and procedures, we interviewed individuals responsible for training and reviewed the mandatory training requirements, advanced and refresher training requirements, and on-the-job training provided at the ports.

We reviewed all passenger complaint files for complaints related to personal searches filed at the four ports in fiscal years 1997 and 1998. We reviewed the files to determine the process for handling and resolving passenger complaints at the ports.

As previously discussed, the national mail surveys sent to inspectors and supervisors at 15 airports also included questions about training, personal search procedures, and supervisory oversight of personal searches conducted at the ports.

To understand how Customs is using and implementing COMPEX, we interviewed program officials at the four ports, Customs Management Centers, and headquarters. We also obtained data from headquarters program officials.

We conducted our work from August 1998 through January 2000 in accordance with generally accepted government audit standards. We received comments on a draft of this report from the Department of the Treasury. The U.S. Customs Service provided comments that are summarized at the end of the letter; included in the report, where appropriate; and reproduced in appendix IV. Customs also provided technical comments that we incorporated where appropriate.

Inspector Survey

GAO

U. S. General Accounting Office

U.S. Customs Service Inspectors' Survey

Introduction:

The U.S. General Accounting Office is conducting a congressionally requested review focusing on Customs' examinations of passengers arriving on international flights. As part of this assignment, we are asking all Customs inspectors (and supervisors) at the busiest 15 airports to provide input on the policies and procedures being followed in conducting examinations, especially personal searches.

We are interested in finding out what systems/processes are being used to ensure that these examinations are conducted in accordance with Customs' policies and procedures. We are not interested in specific cases, but we are interested in learning about the factors inspectors consider in making decisions to send passengers to secondary for more intensive examinations, and how passengers are selected for personal searches including pat downs, strip searches, body cavity searches, x-rays, and monitored bowel movements.

The specific purpose of this survey is to determine the basis on which you decide to send a passenger to secondary or to refer a passenger for a personal search. In addition, we will be asking about specific activities you perform and about Customs' evaluation process and awards program as they influence you. We are also requesting supervisors to respond to a similar survey.

Please provide your responses/perceptions to the following questions based on your experience for the last 6 months at this port. If you have been at this port less than 6 months, answer on the basis of your time at this port.

Please return your completed survey in the enclosed pre-addressed envelope within 10 working days. In the event the envelope is misplaced, the return address is:

U.S. General Accounting Office
Ms. Wendy Simkalo
441 G Street, NW Room 2A38
Washington, D.C. 20548

This survey is anonymous. There is no number or code on this survey that can identify you. We would like to get as many responses as possible. Therefore, we are asking that you return the enclosed numbered postcard separately from your completed survey. This will tell us that you responded and we will not need to send you a follow-up request.

This survey should take approximately 20 to 30 minutes to complete. If you have any questions, please call either Ms. Kathleen Ebert at (213) 830-1070, or Ms. Wendy Simkalo at (202) 512-8693.

Thank you very much for your time.

Total number of survey respondents = 775

Percentages reported based on the number of respondents indicated in the question "N" for each separate item.

Experience

1. Approximately how long have you been a Customs inspector? (Check one.)

N=767

- | | |
|--|-------|
| 1. ☐ Less than 1 year | 11.1% |
| 2. ☐ 1 to less than 3 years | 26.3% |
| 3. ☐ 3 to less than 6 years | 17.1% |
| 4. ☐ 6 years or more | 45.5% |

2. Approximately how long have you worked in air passenger inspections at this airport? (Check one.)

(If you have rotated to other operations, provide your best estimate of the time assigned to air passenger inspections at this airport.)

N=768

- | | |
|--|-------|
| 1. ☐ Less than 1 year | 13.8% |
| 2. ☐ 1 to less than 3 years | 33.7% |
| 3. ☐ 3 to less than 6 years | 18.2% |
| 4. ☐ 6 years or more | 34.2% |

Appendix II
Inspector Survey

Training

3. Which of the following types of classroom training have you received on passenger examinations?
Please include training you may have received on procedural changes. (Check one box in each row.)

		Yes (1)	No (2)
a. Basic Training at the Academy (Glynco)	N=755	92.5%	7.5%
b. Advanced Training on Personal Searches	N=682	60.3%	39.7%
c. Refresher Training on Personal Searches	N=715	75.1%	24.9%
d. Passenger Enforcement Rover Training	N=699	66.7%	33.3%
e. Passenger Analysis Unit Training	N=677	46.4%	53.6%
f. Canine Training	N=606	3.3%	96.7%
g. Local Training (including any local classroom training on passenger examination procedures) For example, training related to Standard Operating Procedures (SOPs)	N=730	88.9%	11.1%
h. Other - Please specify: _____ _____ _____	N=155	95.5%	4.5%

4. Have you received updates, briefings, on-the-job training, or other types of non-classroom training relating to passenger examinations? Please include training you may have received on procedural changes.
(Check one box in each row.)

		Yes (1)	No (2)
a. Updates	N=746	83.6%	16.4%
b. Briefings	N=734	80.4%	19.6%
c. On-the-job training	N=724	75.6%	24.4%
d. Other - Please specify: _____ _____ _____	N=55	74.5%	25.5%

Appendix II Inspector Survey

5. Would you say that the information on passenger examinations that you received through classroom training and from non-classroom sources (e.g., updates, briefings, on-the-job training, etc.) has been adequate or inadequate?
(Check one box in each row.)

	More than adequate (1)	Generally adequate (2)	Generally inadequate (3)	Very inadequate (4)	I have not received this (5)
a. Classroom training on passenger examinations N=740	23.0%	65.8%	7.7%	3.5%	N=23
b. Information relating to passenger examinations from non-classroom sources (i.e., updates, briefings, on-the-job training, etc.) N=717	20.5%	63.2%	10.9%	5.4%	N=27

If you checked box 3 or 4 ("Generally inadequate" or "Very inadequate") for either row in question 5, please explain why the training or other information you received relating to passenger examinations was inadequate.

Had comment - N=147

Had no comment - N=628

6. To what extent, if at all, would you say your success rate (i.e., the ratio of positive searches conducted to negative searches conducted) for identifying passengers carrying contraband has improved due to any of the classroom or non-classroom training you have received? (Check one.)

N=635

- | | |
|--|-------|
| 1. ☐ To a very great extent | 6.1% |
| 2. ☐ To a great extent | 18.1% |
| 3. ☐ To a moderate extent | 28.8% |
| 4. ☐ To some extent | 23.0% |
| 5. ☐ To little or no extent | 23.9% |
| ----- | |
| 6. ☐ No basis to judge | N=131 |

Appendix II Inspector Survey

Decision Making at the Control Point

7. Based on your recent experiences over the past 6 months, or since being assigned to this port if less than 6 months, to what extent, if at all, have you relied on each of the following types of information or intelligence to assist you in targeting passengers to be sent to secondary? *(Check one box in each row. If not available at your port, check column 6.)*

	To a very great extent (1)	To a great extent (2)	To a moderate extent (3)	To little or some extent (4)	To no extent (5)	Not available at my port (6)
a. Electronic or paper lookout with information developed by the Passenger Analysis Unit [includes information from the Advance Passenger Information System (APIS) and from current local alerts] N=755	25.3%	36.6%	23.4%	11.7%	3.0%	N=5
b. Electronic lookout information delivered by the Interagency Border Inspection System (IBIS)/the Treasury Enforcement Communications System (TECS)/the National Crime Information Center (NCIC) This does <u>not</u> include information generated by the Passenger Analysis Unit. N=741	22.1%	33.7%	26.5%	13.2%	4.5%	N=12
c. Seizure reports or information on past seizures N=750	17.6%	34.5%	30.4%	13.7%	3.7%	N=3
d. Information from airline personnel N=730	3.6%	7.1%	16.6%	33.8%	38.9%	N=17
e. Information from the Intelligence and Communications Division within the Office of Investigations N=715	7.3%	11.5%	22.5%	31.6%	27.1%	N=28
f. Information from federal (e.g., DEA, FBI, INS, etc.), state, or local sources (not including IBIS) N=734	8.0%	13.6%	28.6%	32.0%	17.7%	N=16
g. Other - Please specify: _____ N=104	47.1%	34.6%	7.7%	6.7%	3.8%	N=3

8. Of the types of information or intelligence listed in question 7, which three do you believe are the most useful in terms of targeting passengers to be sent to secondary? *(Please enter the letter designation (a through g) in the spaces provided.)*

The most useful is . . . _____ The second most useful is . . . _____ The third most useful is . . . _____

Three highest percentages reported:

Most useful: (N=737)	Second most useful: (N=722)	Third most useful: (N=683)
A - - 45.2%	B - - 36.3%	C - - 28.8%
B - - 21.6%	A - - 28.1%	B - - 22.8%
C - - 20.5%	C - - 21.1%	F - - 18.2%

9. At this port, are you informed about the results of your referrals to secondary? *(Check one.)*

N=754

- | | |
|---|-------|
| 1. ☐ In all cases | 23.2% |
| 2. ☐ In most cases | 34.9% |
| 3. ☐ In some cases | 23.2% |
| 4. ☐ In few, if any, cases | 18.7% |

Appendix II Inspector Survey

Decision-Making at Secondary

10. Based on your recent experiences over the past 6 months, or since being assigned to this port if less than 6 months, to what extent, if at all, do you consider each of the following factors in your decision to send passengers for personal searches? (Check one box in each row.)

	To a very great extent (1)	To a great extent (2)	To a moderate extent (3)	To little or some extent (4)	To no extent (5)	No basis to judge (6)
a. General information (e.g., a high risk flight or a flight from a high risk country) N=748	23.7%	34.6%	27.0%	12.2%	2.5%	N=14
b. Specific information or intelligence about an individual N=750	31.7%	37.7%	23.2%	6.4%	0.9%	N=14
c. Observational and behavioral techniques N=754	45.0%	40.2%	12.5%	2.1%	0.3%	N=10
d. Professional judgment based on past experience N=753	39.8%	38.1%	18.2%	3.3%	0.5%	N=10
e. Interviews with individual passenger N=751	55.8%	32.2%	9.2%	2.3%	0.5%	N=12
f. Other factors - Please specify: _____ _____ N=71	57.7%	32.4%	7.0%	1.4%	1.4%	N=6

11. Of the factors listed in question 10, which three do you believe to be the most useful in terms of obtaining a higher rate of positive examinations? (Please enter the letter designation (a through f) in the spaces provided.)

The most useful is . . . _____ The second most useful is . . . _____ The third most useful is . . . _____

Three highest percentages reported:

Most useful: (N=749)	Second most useful: (N=747)	Third most useful: (N=738)
E - - 31.9%	C - - 33.6%	D - - 22.4%
C - - 24.0%	E - - 22.1%	E - - 21.7%
B - - 20.0%	D - - 20.3%	C - - 21.5%

Appendix II Inspector Survey

Personal Searches

12. At this port, are you required to get approval from your supervisor (or senior) prior to conducting each of the following types of personal searches? *(Check one box in each row.)*

		Yes (1)	No (2)
Pat downs	N=769	96.9%	3.1%
Strip searches	N=761	99.2%	0.8%
X-rays	N=757	99.1%	0.9%
Body cavity searches	N=750	99.1%	0.9%
Monitored bowel movements	N=757	98.7%	1.3%

13. Over the past 6 months, or since being assigned to this port if less than 6 months, for each of the following types of personal searches for which approval is required at this port, **approximately** how many requests (a) have you made to your supervisor(s) (or seniors), and (b) how many have been approved?
(Enter numbers in spaces provided. If none, enter zero.)

Total number (sum) of requests and approvals reported. N's reported represent inspectors who requested at least one personal search of the types listed below. Approval rate is approvals as a percentage of requests.

a. Approximate number I have requested:

pat downs N=599 Sum=7838
 strip searches N=136 Sum=420
 x-rays N=204 Sum=551
 body cavity searches N=25 Sum=55
 monitored bowel movements N=54 Sum=174

b. Approximate number I have had approved:

pat downs N=599 Sum=7400 Approval rate=94.4%
 strip searches N=136 Sum=373 Approval rate=88.8%
 x-rays N=204 Sum=442 Approval rate=80.2%
 body cavity searches N=25 Sum=54 Approval rate=98.2%
 monitored bowel movements N=54 Sum=159 Approval rate=91.4%

In the space below, please provide the general reasons given by your supervisor(s) (or seniors) for cases in which a personal search was **not** approved. *(Please do not give any names.)*

Had comment - N=216 Had no comment - N=558

Appendix II Inspector Survey

14. Based on your actual knowledge over the past 6 months, or since being assigned to this port if less than 6 months, how often, if at all, have **other inspectors at this port** conducted the following types of personal searches **without supervisory (or senior) approval**? (Check one box in each row. If supervisory approval is not required at this port for a specific type of personal search, check column 5, "Approval not required.")

Without supervisory approval, other inspectors have conducted ...		Never (1)	Rarely (2)	Occasionally (3)	Often (4)	Approval not required (5)	No basis to judge (6)
Pat downs	N=669	80.0%	11.7%	6.3%	2.1%	N=14	N=74
Strip searches	N=676	95.0%	3.4%	1.0%	0.6%	N=1	N=79
X-rays	N=676	98.2%	0.9%	0.6%	0.3%	N=0	N=78
Body cavity searches	N=671	98.4%	1.2%	0.3%	0.1%	N=0	N=82
Monitored bowel movements	N=669	97.5%	1.5%	0.9%	0.1%	N=1	N=83

15. Based on your experience over the past 6 months, or since being assigned to this port if less than 6 months, how often, if at all, have **you** conducted the following types of personal searches **without supervisory (or senior) approval**? (Check one box in each row. If supervisory approval is not required at this port for a specific type of personal search, check column 5, "Approval not required.")

Without supervisory approval, I have conducted ...		Never (1)	Rarely (2)	Occasionally (3)	Often (4)	Approval not required (5)	No basis to judge (6)
Pat downs	N=728	94.8%	3.3%	1.5%	0.4%	N=16	N=14
Strip searches	N=731	99.6%	0.3%	0.1%	0.0%	N=2	N=19
X-rays	N=724	99.7%	0.1%	0.1%	0.0%	N=1	N=23
Body cavity searches	N=720	99.9%	0.1%	0.0%	0.0%	N=1	N=26
Monitored bowel movements	N=719	99.7%	0.3%	0.0%	0.0%	N=2	N=25

If you indicated in question 15 above that **you** have conducted any of these types of personal searches requiring approval **without supervisory (or senior) approval**, please describe the circumstances. (Please do not give any names.)

Had comment - N=57

Had no comment - N=718

Appendix II Inspector Survey

Consent Forms

16. Based on your actual knowledge over the past 6 months, or since being assigned to this port if less than 6 months, how often do **other inspectors at this port use consent forms** prior to requesting or conducting each of the following types of personal searches? *(Check one box in each row. If consent forms are not required at this port for a specific type of personal search, check column 6, "Consent forms not required.")*

Frequency that other inspectors use consent forms for . . .	Always (1)	Often (2)	Occasionally (3)	Rarely (4)	Never (5)	Consent forms not required (6)	No basis to judge (7)
Pat downs N=230	53.9%	8.7%	4.3%	5.2%	27.8%	N=448	N=82
Strip searches N=285	75.1%	3.9%	1.4%	3.5%	16.1%	N=329	N=140
X-rays N=617	94.3%	1.6%	1.0%	0.5%	2.6%	N=16	N=125
Body cavity searches N=476	92.6%	1.5%	0.4%	0.8%	4.6%	N=67	N=204
Monitored bowel movements N=440	88.9%	3.2%	0.9%	1.6%	5.5%	N=118	N=190

17. Based on your experience over the past 6 months, or since being assigned to this port if less than 6 months, how often do **you use consent forms** prior to requesting or conducting each of the following types of personal searches? *(Check one box in each row. If consent forms are not required at this port for a specific type of personal search, check column 6, "Consent forms not required.")*

Frequency that you use consent forms for . . .	Always (1)	Often (2)	Occasionally (3)	Rarely (4)	Never (5)	Consent forms not required (6)	No basis to judge (7)
Pat downs N=239	53.6%	4.2%	4.2%	5.0%	33.1%	N=439	N=66
Strip searches N=257	72.8%	1.2%	1.9%	2.7%	21.4%	N=302	N=174
X-rays N=521	91.4%	1.2%	0.2%	1.2%	6.1%	N=15	N=200
Body cavity searches N=403	87.8%	0.7%	0.5%	0.7%	10.2%	N=63	N=262
Monitored bowel movements N=369	84.6%	1.9%	1.4%	1.1%	11.1%	N=104	N=255

If you indicated in question 17 above that **you** have conducted any of these types of personal searches requiring a consent form without a consent form, please describe the circumstances. *(Please do not give any names.)*

Had comment - N=79

Had no comment - N=696

Appendix II Inspector Survey

Evaluations, Promotions, and Awards

Questions 18 through 21 deal with the potential relationship between referring passengers for personal searches and evaluations, promotions, and chances of receiving an award.

18. Based on your actual knowledge at this port, to what extent, if at all, do you believe that inspectors who are more likely to refer passengers for personal searches tend to be evaluated higher or promoted at a higher rate than inspectors who are less likely to refer passengers for personal searches? (Check one.)

N=557

- | | |
|--|-------|
| 1. ☐ To no extent | 66.8% |
| 2. ☐ To little or some extent | 13.6% |
| 3. ☐ To a moderate extent | 9.2% |
| 4. ☐ To a great extent | 5.6% |
| 5. ☐ To a very great extent | 4.8% |
| ----- | |
| 6. ☐ No opinion/No basis to judge | N=209 |

19. Based on your actual knowledge at this port, do you know of any inspectors, not including yourself, who received lower ratings or were not considered for promotion because they referred passengers for personal searches who were not found to be carrying drugs? (Check one.)

N=762

- | | | |
|---------------------------------|-------|--|
| 1. ☐ Yes | 1.3% | → If yes, please describe the circumstances. (Please do not give any names.) |
| 2. ☐ No | 98.7% | |
- _____
- _____
- _____

20. Since you have been at this port, have you ever received a lower rating or not been considered for promotion because you referred passengers for personal searches who were not found to be carrying drugs? (Check one.)

N=761

- | | | |
|---------------------------------|-------|--|
| 1. ☐ Yes | 0.8% | → If yes, please describe the circumstances. (Please do not give any names.) |
| 2. ☐ No | 99.2% | |
- _____
- _____
- _____

21. Based on your actual knowledge at this port, to what extent, if at all, do you believe that inspectors are more likely to refer passengers for personal searches as a result of Customs' awards program? (Check one.)

N=556

- | | |
|---|-------|
| 1. ☐ To no extent | 75.7% |
| 2. ☐ To little or some extent | 12.2% |
| 3. ☐ To a moderate extent | 4.9% |
| 4. ☐ To a great extent | 3.4% |
| 5. ☐ To a very great extent | 3.8% |
| ----- | |
| 6. ☐ No opinion/No basis to judge | N=130 |
| 7. ☐ No knowledge of Customs' awards program | N=81 |

Appendix II Inspector Survey

Questions 22 through 25 deal with the potential relationship between pursuing more intrusive personal searches and evaluations, promotions, and chances of receiving an award. By more intrusive personal searches, we do not include frisks and pat downs, but do include strip searches, x-rays, body cavity searches, and monitored bowel movements.

22. Based on your actual knowledge at this port, to what extent, if at all, do you believe that inspectors who are more likely to pursue more intrusive personal searches tend to be evaluated higher or promoted at a higher rate than those who are less likely to pursue more intrusive personal searches? (Check one.)

N=545

- | | |
|--|-------|
| 1. ☐ To no extent | 72.3% |
| 2. ☐ To little or some extent | 11.2% |
| 3. ☐ To a moderate extent | 8.6% |
| 4. ☐ To a great extent | 5.9% |
| 5. ☐ To a very great extent | 2.0% |
| ----- | |
| 6. ☐ No opinion/No basis to judge | N=218 |

23. Based on your actual knowledge at this port, do you know of any inspectors, not including yourself, who received lower ratings or were not considered for promotion because they pursued more intrusive personal searches on passengers who were not found to be carrying drugs? (Check one.)

N=755

- | | | |
|---------------------------------|-------|--|
| 1. ☐ Yes | 0.8% | → If yes, please describe the circumstances. (Please do not give any names.) |
| 2. ☐ No | 99.2% | |
- _____
- _____
- _____

24. Since you have been at this port, have you ever received a lower rating or not been considered for promotion because you pursued more intrusive personal searches on passengers who were not found to be carrying drugs? (Check one.)

N=758

- | | | |
|---------------------------------|-------|--|
| 1. ☐ Yes | 0.3% | → If yes, please describe the circumstances. (Please do not give any names.) |
| 2. ☐ No | 99.7% | |
- _____
- _____
- _____

25. Based on your actual knowledge at this port, to what extent, if at all, do you believe that inspectors are more likely to pursue more intrusive personal searches as a result of Customs' awards program? (Check one.)

N=539

- | | |
|---|-------|
| 1. ☐ To no extent | 76.8% |
| 2. ☐ To little or some extent | 11.7% |
| 3. ☐ To a moderate extent | 5.0% |
| 4. ☐ To a great extent | 3.9% |
| 5. ☐ To a very great extent | 2.6% |
| ----- | |
| 6. ☐ No opinion/No basis to judge | N=150 |
| 7. ☐ No knowledge of Customs' awards program | N=75 |

Appendix II

Inspector Survey

26. Please indicate the port where you currently work as an inspector from the following list of the busiest 15 airports. (Check one.)

Please note: In reporting the results of this survey, the ports will not be identified by name.

- | City | Port data not reported |
|--|------------------------|
| 1. ☐ Atlanta | |
| 2. ☐ Boston | |
| 3. ☐ Chicago | |
| 4. ☐ Detroit | |
| 5. ☐ DFW (Dallas-Ft. Worth) | |
| 6. ☐ Dulles | |
| 7. ☐ Honolulu | |
| 8. ☐ Houston | |
| 9. ☐ JFK (New York) | |
| 10. ☐ LAX (Los Angeles) | |
| 11. ☐ Miami | |
| 12. ☐ Newark | |
| 13. ☐ Orlando | |
| 14. ☐ San Francisco | |
| 15. ☐ San Juan | |

Comments

27. If you have additional comments regarding any previous question or any comments about any other aspect of examination of airport passengers, please use the space provided. If necessary, you may add additional sheets.

Had comment - N=300

Had no comment - N=475

[illegible]

This concludes our survey. Thank you very much for your cooperation.
Please return your completed survey in the enclosed envelope. Return the postcard separately.

Supervisor Survey



U. S. General Accounting Office

U.S. Customs Service Supervisory Inspectors' Survey

Introduction:

The U.S. General Accounting Office is conducting a congressionally requested review focusing on Customs' examinations of passengers arriving on international flights. As part of this assignment, we are asking all Customs supervisory inspectors (and non-supervisory inspectors) at the busiest 15 airports to provide input on the policies and procedures being followed in conducting examinations, especially personal searches.

We are interested in finding out what systems/processes are being used to ensure that these examinations are conducted in accordance with Customs' policies and procedures. We are not interested in specific cases, but we are interested in the factors that are considered when approving inspectors' selections of passengers for personal searches, including pat downs, strip searches, body cavity searches, x-rays, and monitored bowel movements.

The specific purpose of this survey is to determine your role in overseeing inspectors' decisions to refer a passenger for a personal search. In addition, we will be asking about specific activities you perform and about Customs' evaluation process and awards program as they influence you. We are also requesting inspectors to respond to a similar survey.

Please provide your responses/perceptions to the following questions based on your experience for the last 6 months at this port. If you have been at this port less than 6 months, answer on the basis of your time at this port.

Please return your completed survey in the enclosed pre-addressed envelope within 10 working days. In the event the envelope is misplaced, the return address is:

U.S. General Accounting Office
Ms. Wendy Simkalo
441 G Street, NW Room 2A38
Washington, D.C. 20548

This survey is anonymous. There is no number or code on this questionnaire that can identify you. In order to get as many responses as possible, we are asking that you return the enclosed numbered postcard separately from your completed survey. This will tell us that you responded and we will not need to send you a follow-up request.

This survey should take approximately 20 to 30 minutes to complete. If you have any questions, please call either Ms. Kathleen Ebert at (213) 830-1070 or Ms. Wendy Simkalo at (202) 512-8693.

Thank you very much for your time.

Total number of survey respondents = 131

Percentages reported based on the number of respondents indicated in question "N" for each separate item.

Experience

1. Approximately how long have you worked as a Customs supervisor in air passenger inspections? *(Check one.)*

N=131

- | | |
|--|-------|
| 1. ☐ Less than 1 year | 15.3% |
| 2. ☐ 1 to less than 3 years | 13.7% |
| 3. ☐ 3 to less than 6 years | 18.3% |
| 4. ☐ 6 years or more | 52.7% |

2. How long have you been a Customs supervisor in air passenger inspections at this airport? *(Check one.)*

(If you have rotated to other operations, provide your best estimate of the time assigned as a supervisor to air passenger inspections at this airport.)

N=131

- | | |
|--|-------|
| 1. ☐ Less than 1 year | 17.6% |
| 2. ☐ 1 to less than 3 years | 19.1% |
| 3. ☐ 3 to less than 6 years | 19.8% |
| 4. ☐ 6 years or more | 43.5% |

Appendix III Supervisor Survey

3. How many inspectors do you supervise on a typical shift? (Enter number.)

N=126

_____ inspectors Mean=21.6 Median=15 Minimum=4 Maximum=150

Training

4. Which of the following types of training have you received on passenger examinations? Please include supervisory training and training you may have received on procedural changes. (Check one box in each row.)

		Yes (1)	No (2)
a. Basic Training at the Academy (Glynco)	N=129	94.6%	5.4%
b. Advanced Training on Personal Searches	N=117	59.0%	41.1%
c. Refresher Training on Personal Searches	N=124	79.0%	21.0%
d. Passenger Enforcement Rover Training for Supervisors	N=116	38.8%	61.2%
e. Passenger Analysis Unit Training for Supervisors	N=112	42.9%	57.1%
f. Canine Training	N=109	11.9%	88.1%
g. Local Training (including any local classroom training on passenger examination procedures) For example, training related to Standard Operating Procedures (SOPs)	N=125	92.8%	7.2%
h. Other - Please specify: _____ _____ _____	N=36	100%	0.0%

5. Have you received updates, briefings, on-the-job training, or other types of non-classroom training for supervisors relating to passenger examinations? Please include supervisory training you may have received on procedural changes. (Check one box in each row.)

		Yes (1)	No (2)
a. Updates	N=125	95.2%	4.8%
b. Briefings	N=127	96.1%	3.9%
c. On-the-job-training	N=119	81.5%	18.5%
d. Other - Please specify: _____ _____ _____	N=14	100%	0.0%

Appendix III Supervisor Survey

6. Would you say that the supervisory level information on passenger examinations that you received through classroom training and from non-classroom sources (e.g., updates, briefings, on-the-job training, etc.) has been adequate or inadequate? *(Check one box in each row.)*

	More than adequate (1)	Generally adequate (2)	Generally inadequate (3)	Very inadequate (4)	I have not received this (5)
a. Classroom training for supervisors on passenger examinations N=118	34.7%	52.5%	11.9%	0.8%	N=13
b. Information for supervisors relating to passenger examinations from non-classroom sources (i.e., updates, briefings, on-the-job training, etc.) N=129	36.4%	51.9%	9.3%	2.3%	N=2

If you checked box 3 or 4 ("Generally inadequate" or "Very inadequate") for either row in question 6, please explain why the supervisory training or other information you received relating to passenger examinations was inadequate.

Had comment - N=21 Had no comment - N=110

Appendix III Supervisor Survey

Decision Making at the Control Point

7. Based on your recent experiences over the past 6 months, or since being assigned to this port if less than 6 months, to what extent, if at all, have you relied on each of the following types of information or intelligence to assist you in evaluating inspectors' decisions to target passengers to be sent to secondary? (Check one box in each row. If not available at your port, check column 6.)

	To a very great extent (1)	To a great extent (2)	To a moderate extent (3)	To little or some extent (4)	To no extent (5)	Not available at my port (6)
a. Electronic or paper lookout with information developed by the Passenger Analysis Unit [includes information from the Advance Passenger Information System (APIS) and from current local alerts] N=130	27.7%	43.1%	21.5%	5.4%	2.3%	N=0
b. Electronic lookout information delivered by the Interagency Border Inspection System (IBIS)/the Treasury Enforcement Communications System (TECS)/the National Crime Information Center (NCIC) This does not include information generated by the Passenger Analysis Unit. N=130	23.1%	40.0%	25.4%	10.0%	1.5%	N=0
c. Seizure reports or information on past seizures N=128	20.3%	35.9%	32.0%	10.2%	1.6%	N=0
d. Information from airline personnel N=125	2.4%	4.8%	29.6%	45.6%	17.6%	N=1
e. Information from the Intelligence and Communications Division within the Office of Investigations N=126	5.6%	20.6%	34.9%	30.2%	8.7%	N=3
f. Information from federal (e.g., DEA, FBI, INS, etc.), state, or local sources (not including IBIS) N=129	6.2%	23.3%	30.2%	34.1%	6.2%	N=1
g. Other - Please specify: _____ N=17	76.5%	11.8%	11.8%	0.0%	0.0%	N=0

8. Of the types of information or intelligence listed in question 7, which three do you believe are the most useful in terms of assisting you in evaluating inspectors' decisions to target passengers to be sent to secondary? (Please enter the letter designation (a through g) in the spaces provided.)

The most useful is . . . _____ The second most useful is . . . _____ The third most useful is . . . _____

Three highest percentages reported:

Most useful: (N=130)	Second most useful: (N=130)	Third most useful: (N=125)
A -- 53.8%	B -- 33.1%	C -- 32.8%
B -- 18.5%	A -- 27.7%	B -- 22.4%
C -- 15.4%	C -- 24.6%	F -- 17.6%

9. At this port, are you informed about the results of your inspectors' referrals to secondary? (Check one.) N=130

1. ☐ In all cases 31.5%
 2. ☐ In most cases 32.3%
 3. ☐ In some cases 28.5%
 4. ☐ In few, if any, cases 7.7%

Appendix III Supervisor Survey

Decision-Making at Secondary

10. Based on your recent experiences over the past 6 months, or since being assigned to this port if less than 6 months, to what extent, if at all, do you consider each of the following factors when evaluating inspectors' decisions to send passengers for personal searches? (Check one box in each row.)

	To a very great extent (1)	To a great extent (2)	To a moderate extent (3)	To little or some extent (4)	To no extent (5)	No basis to judge (6)
a. General information (e.g., a high risk flight or a flight from a high risk country) N=131	22.1%	32.8%	30.5%	13.0%	1.5%	N=0
b. Specific information and intelligence about an individual N=131	38.9%	35.9%	22.1%	2.3%	0.8%	N=0
c. Observational and behavioral techniques N=131	42.0%	38.9%	17.6%	1.5%	0.0%	N=0
d. Professional judgment based on past experience N=131	29.8%	45.8%	22.9%	1.5%	0.0%	N=0
e. Interviews with individual passengers N=131	46.6%	38.2%	14.5%	0.8%	0.0%	N=0
f. Other factors - Please specify: _____ N=18	66.7%	22.2%	11.1%	0.0%	0.0%	N=0

11. Of the factors listed in question 10, which three do you believe to be the most useful in terms of obtaining a higher rate of positive examinations? (Please enter the letter designation (a through f) in the spaces provided.)

The most useful is . . . _____ The second most useful is . . . _____ The third most useful is . . . _____

Three highest percentages reported:

Most useful: (N=130)	Second most useful: (N=130)	Third most useful: (N=130)
B -- 36.2%	E -- 30.0%	C -- 30.0%
E -- 22.3%	C -- 27.7%	E -- 21.5%
C -- 21.5%	D -- 20.0%	D -- 20.0%

Appendix III Supervisor Survey

Personal Searches

12. At this port, are inspectors required to get approval from their supervisors (or seniors) prior to conducting each of the following types of searches? *(Check one box in each row.)*

		Yes (1)	No (2)
Pat downs	N=131	96.9%	3.1%
Strip searches	N=130	99.2%	0.8%
X-rays	N=130	99.2%	0.8%
Body cavity searches	N=123	98.4%	1.6%
Monitored bowel movements	N=129	97.7%	2.3%

13. Over the past 6 months, or since being assigned to this port if less than 6 months, for each of the following types of personal searches, for which approval is required at this port, **approximately** how many requests (a) have you been asked to approve, and (b) have you approved?

(Enter numbers in spaces provided. If none, enter zero.)

Total number (sum) of requests and approvals reported. N's reported represent supervisors who have been asked to approve at least one personal search of the types listed below. Approval rate is approvals as a percentage of requests.

a. Approximate number I have been asked to approve:

___ pat downs N=107 Sum=5082
 ___ strip searches N=62 Sum=470
 ___ x-rays N=66 Sum=619
 ___ body cavity searches N=12 Sum=112
 ___ monitored bowel movements N=15 Sum=53

b. Approximate number I have approved:

___ pat downs N=107 Sum=4712 Approval rate=92.7%
 ___ strip searches N=62 Sum=436 Approval rate=92.8%
 ___ x-rays N=66 Sum=464 Approval rate=75.0%
 ___ body cavity searches N=12 Sum=105 Approval rate=93.8%
 ___ monitored bowel movements N=15 Sum=48 Approval rate=90.6%

In the space below, please describe the general reasons that you gave for cases where you did **not** approve a personal search. *(Please do not give any names.)*

Had comment - N=75 Had no comment - N=56

Appendix III Supervisor Survey

14. Over the past 6 months, or since being assigned to this port if less than 6 months, have there been any instances when following the standard procedures in approving inspectors' requests for personal searches was not practical? *(Check one.)*
N=130

1. ☐ No 89.2%

2. ☐ Yes 10.8% → If yes, please answer questions a. and b. below:

a. Please describe some of the circumstances: _____

Had comment - N=13

Had no comment - N=118

b. At your port, are there procedures to address these situations? *(Check one.)*

N=36

1. ☐ No 52.8%

2. ☐ Yes 47.2% → If yes, please describe these procedures: _____

Consent Forms

15. In the past 6 months at this port, or since being assigned to this port if less than 6 months, do **you** require your inspectors to **use consent forms** prior to requesting or conducting each of the following types of personal searches? *(Check one box in each row. If a consent form for a particular type of search is not required by the port, check column 6.)*

Inspectors have been required by me to use consent forms prior to:		In all cases (1)	In most cases (2)	In some Cases (3)	In few cases (4)	In no cases (5)	Port does not require consent form (6)
Pat downs	N=32	37.5%	6.3%	9.4%	3.1%	43.8%	N=94
Strip searches	N=35	65.7%	0.0%	11.4%	0.0%	22.9%	N=87
X-rays	N=123	95.1%	1.6%	0.0%	0.0%	3.3%	N=6
Body cavity searches	N=94	93.6%	2.1%	0.0%	0.0%	4.3%	N=27
Monitored bowel movements	N=73	87.7%	2.7%	0.0%	1.4%	8.2%	N=49

**Appendix III
Supervisor Survey**

16. For each of the following types of personal searches, have you instructed your inspectors on what to do if a passenger refuses to sign a consent form prior to a search being conducted?
(Check yes, no, or not required in each row. If "yes", provide a brief description of your instructions.)

Have you instructed your inspectors on what to do if a passenger refuses to sign a consent form prior to each of the following types of searches?		If yes, please provide a brief description of your instructions in the space below.
Pat downs	N=24 ☐ Yes → 70.8% ☐ No 29.2% ☐ Not required at this port N=103	_____ _____ _____
Strip searches	N=29 ☐ Yes → 55.2% ☐ No 44.8% ☐ Not required at this port N=91	_____ _____ _____
X-rays	N=121 ☐ Yes → 73.6% ☐ No 26.4%	_____ _____ _____
Body cavity searches	N=109 ☐ Yes → 59.6% ☐ No 40.4% ☐ Not required at this port N=3	_____ _____ _____
Monitored bowel movements	N=67 ☐ Yes → 59.7% ☐ No 40.3% ☐ Not required at this port N=49	_____ _____ _____

Appendix III Supervisor Survey

Evaluations, Promotions, and Awards

Questions 17 through 20 deal with the potential relationship between referring passengers for personal searches and evaluations, promotions, and chances of receiving an award.

17. Based on your actual knowledge at this port, to what extent, if at all, do you believe that inspectors who are more likely to refer passengers for personal searches tend to be evaluated higher or promoted at a higher rate than inspectors who are less likely to refer passengers for personal searches? (Check one.)

N=108

- | | |
|--|-------|
| 1. ☐ To no extent | 68.5% |
| 2. ☐ To little or some extent | 14.8% |
| 3. ☐ To a moderate extent | 9.3% |
| 4. ☐ To a great extent | 6.5% |
| 5. ☐ To a very great extent | 0.9% |

- 6. ☐ No opinion/No basis to judge N=21

18. Based on your actual knowledge at this port, do you know of any supervisors, not including yourself, who received lower ratings or were not considered for promotion because they approved inspectors' requests to refer passengers for personal searches who were not found to be carrying drugs? (Check one.)

N=130

- | | |
|---|---|
| 1. ☐ Yes 0.0% | → If yes, please describe the circumstances. (Please do not give any names) _____ |
| 2. ☐ No 100% | _____ |

19. Since you have been at this port, have you ever received a lower rating or not been considered for promotion because you approved inspectors' requests to refer passengers for personal searches who were not found to be carrying drugs? (Check one.)

N=129

- | | |
|---|---|
| 1. ☐ Yes 0.0% | → If yes, please describe the circumstances. (Please do not give any names) _____ |
| 2. ☐ No 100% | _____ |

20. Based on your actual knowledge at this port, to what extent, if at all, do you believe supervisors are more likely to approve inspectors' requests to refer passengers for personal searches because they believe it would improve the inspectors' chances of receiving an award? (Check one.)

N=118

- | | |
|--|-------|
| 1. ☐ To no extent | 95.8% |
| 2. ☐ To little or some extent | 2.5% |
| 3. ☐ To a moderate extent | 1.7% |
| 4. ☐ To a great extent | 0.0% |
| 5. ☐ To a very great extent | 0.0% |

- 6. ☐ No basis to judge N=10
7. ☐ No knowledge of Customs' award program N=2

Appendix III Supervisor Survey

Questions 21 through 23 deal with the potential relationship between pursuing more intrusive personal searches and evaluations, promotions, and chances of receiving an award. By more intrusive personal searches, we do not include frisks and pat downs, but do include strip searches, x-rays, body cavity searches, and monitored bowel movements.

21. Based on your actual knowledge at this port, do you know of any supervisors, not including yourself, who received lower ratings or were not considered for promotion because they approved inspectors' requests for more intrusive personal searches who were not found to be carrying drugs? (Check one.)

N=131

1. ☐ Yes 2.3% → If yes, please describe the circumstances. (Please do not give any names) _____
 2. ☐ No 97.7% _____

22. Since you have been at this port, have you ever received a lower rating or not been considered for promotion because you approved inspectors' requests for more intrusive personal searches who were not found to be carrying drugs? (Check one.)

N=130

1. ☐ Yes 0.0% → If yes, please describe the circumstances. (Please do not give any names) _____
 2. ☐ No 100% _____

23. Based on your actual knowledge at this port, to what extent, if at all, do you believe supervisors are more likely to approve inspectors' requests for more intrusive personal searches because they believe it would improve the inspectors' chances of receiving an award? (Check one.)

N=115

- | | |
|--|-------|
| 1. ☐ To no extent | 97.4% |
| 2. ☐ To little or some extent | 0.9% |
| 3. ☐ To a moderate extent | 1.7% |
| 4. ☐ To a great extent | 0.0% |
| 5. ☐ To a very great extent | 0.0% |
| ----- | |
| 6. ☐ No basis to judge | N=12 |
| 7. ☐ No knowledge of Customs' award program | N=3 |

**Appendix III
Supervisor Survey**

24. If an inspector has been given an award for successful drug searches, to what extent, if at all, does this award positively affect your assessment of that inspector when (a) preparing his or her rating, and (b) recommending him or her for a promotion? (Check one box in each row.)

Extent inspector being given an award positively affects assessment of that inspector when . . .		To a very great extent (1)	To a great extent (2)	To a moderate extent (3)	To little or some extent (4)	To no extent (5)	No basis to judge/No knowledge of award program (6)
preparing the inspector's rating	N=120	9.2%	23.3%	35.8%	17.5%	14.2%	N=6
recommending the inspector for a promotion	N=121	5.0%	23.1%	34.7%	17.4%	19.8%	N=6

25. To what extent, if at all, do you consider each of the following factors when (a) nominating inspectors for awards, and (b) recommending inspectors for promotion? (Check one box in each row.)

		To a very great extent (1)	To a great extent (2)	To a moderate extent (3)	To little or some extent (4)	To no extent (5)	No basis to judge/No knowledge of award program (6)
a. Extent considered when nominating inspectors for awards							
Number or rate of drug seizures	N=125	16.0%	38.4%	34.4%	8.0%	3.2%	N=2
Number of targets referred to secondary for drugs	N=120	4.2%	5.0%	20.8%	25.0%	45.0%	N=4
Number of targets selected for personal searches	N=120	0.8%	2.5%	14.2%	23.3%	59.2%	N=4
Other factors-Please describe: _____	N=44	63.6%	27.3%	9.1%	0.0%	0.0%	N=0
b. Extent considered when recommending inspectors for promotion							
Number or rate of drug seizures	N=122	12.3%	27.0%	37.7%	16.4%	6.6%	N=2
Number of targets referred to secondary for drugs	N=116	2.6%	4.3%	22.4%	19.0%	51.7%	N=4
Number of targets selected for personal searches	N=117	0.9%	4.3%	10.3%	18.8%	65.8%	N=3
Other factors-Please describe: _____	N=45	71.1%	24.4%	4.4%	0.0%	0.0%	N=0

- | | | |
|--|---|------------------------|
| | <ul style="list-style-type: none"> 1. ☐ Atlanta 2. ☐ Boston 3. ☐ Chicago 4. ☐ Detroit 5. ☐ DFW (Dallas-Ft. Worth) 6. ☐ Dulles 7. ☐ Honolulu 8. ☐ Houston 9. ☒ JFK (New York) 10. ☐ LAX (Los Angeles) 11. ☐ Miami 12. ☐ Newark 13. ☐ Orlando 14. ☐ San Francisco 15. ☐ San Juan | Port data not reported |
|--|---|------------------------|

	Had comment - N=51	Had no comment - N=80
--	--------------------	-----------------------

[illegible]

This concludes our survey. Thank you very much for your cooperation.
Please return your completed survey in the enclosed envelope. Return the postcard separately.

Comments From the U.S. Customs Service



U.S. Customs Service

Memorandum

DATE: FEB 29 2000

FILE: AUD-1-OP BAB

MEMORANDUM FOR LAURIE EKSTRAND
U.S. GENERAL ACCOUNTING OFFICE

FROM: Director, Office of Planning

SUBJECT: "U.S. Customs Service: Better Targeting of Airline
Passengers for Personal Searches Could Produce
Better Results"

Thank you for providing GAO's draft report "U.S. Customs Service: Better Targeting of Airline Passengers for Personal Searches Could Produce Better Results" and the opportunity to discuss the issues in this report.

This agency was pleased that GAO did not find a pattern indicating that Customs engaged in discriminatory selection of passengers for personal searches based on race, sex or ethnic origin. Customs has long had policies prohibiting this kind of discrimination, and our Commissioner has strongly re-emphasized this policy inside Customs and in testimony before Congress.

Customs has taken a number of steps to address the issues identified during your review. These steps and Customs comments on this draft report are outlined in the attached document.

If you have any questions regarding the attached comments, please have a member of your staff contact Ms. Brenda Brockman at (202)927-1507.

A handwritten signature in black ink, appearing to read "William F. Riley".
William F. Riley

Attachment

TRADITION



SERVICE



HONOR

**Comments on
“U.S. Customs Service: Better Targeting of Airline Passengers for Personal
Searches Could Produce Better Results”**

Recommendation

The GAO draft report contains one recommendation, which is “that Customs analyze the characteristics of passengers selected for intrusive personal searches personal searches as part of the periodic evaluation it has agreed to do...It should use these data to help develop criteria for determining which passengers to search”. We agree with that recommendation, and have already taken several actions to accomplish this objective. Some of these are noted below.

Data Collection: Customs has taken steps to collect more complete and accurate data on persons subjected to personal searches. For example, race gender, and citizenship used to be optional fields in the automated records on personal searches. This severely limits the usefulness of these records for monitoring trends. As GAO notes on page 66 of their draft report, the race of 23% of the passengers searched in fiscal years 1997 and 1998 was not noted. To remedy this situation, we have now made those three data elements mandatory.

We have also added new mandatory fields, such as port of embarkation, (where the flight is arriving from), port of departure, (where the traveler initiated his/her trip), and referring officer. These changes allow Customs to better identify who they searched and provide the ability to do statistical and trend analysis by ports of entry and Customs wide.

Data Analysis: Customs is closely monitoring data on personal searches. A Passenger Data Analysis Team was established in May, 1999. Beginning in December of 1999, that team began publishing a weekly report, broken down by race and sex, that shows the results of our personal searches. This report is sent to all Directors of Field Operations in the Customs Management Centers. These field offices also have the capability to generate the same report for each port in their area of responsibility.

Training: As the report notes, our personal search handbook was revised. We contracted with professional writers to make the new handbook clear and easy to understand. Every Customs Officer authorized to do personal searches has received a copy of the new personal search handbook, and attended a training session on the new procedures.

Personal Search Results: With increased management oversight, improved guidance in the form of the new personal search handbook, and the recent training of all Customs officers authorized to conduct personal searches on our new procedures, we are now achieving improved results, as noted in the attached reports. For example, when comparing our search results in FY 98 to those in FY 99, we have improved the

- 2 -

"positive" search percentage (those that uncover hidden contraband) from 3.50 % to 5.73%; this represents an improvement of 64%. More recent results indicate greater improvement. In the first quarter of FY 99, our positive search rate was 3.81 %, in the first quarter of the current fiscal year the positive rate was 13.77%; this represents an improvement of 261%.

GAO noted that certain categories of travelers, such as black females, when selected for personal searches, were more likely to be subjected to the more intrusive personal searches, such as strip-search or x-ray, even though they were less likely to be found carrying contraband.

We do not dispute their statistical analysis, however it should be noted that factors outside the information gathered during the progression of the personal search, such as country of departure, may contribute to the decision to continue the search to a more intrusive level.

This office does not agree with the report's assertion on page 51 that we have not provided guidance to our ports concerning the use of COMPEX data. COMPEX data is measurement data, and in 1997 we issued a memo to our ports and management centers concerning the use of it. For your information, a copy of that memo is attached.

This agency recognizes the discomfort and stress that personal searches can cause to the traveling public, and the importance of using our search authority in a responsible and prudent manner. No one looking at this issue should lose sight of the fact that concealing contraband on the body is an age-old smuggling technique that has been expanded in recent times to include narcotics smuggling inside the body.

Inspector Interviews: The report should acknowledge that: (1) the inspectors and supervisors who GAO sought to interview were all potential defendants, who could be personally liable under *Bivens* claims, in civil lawsuits based upon the actions, policies, and procedures on which GAO wanted to question them; and (2) Treasury employees, including the Customs attorneys who would attend inspector interviews, are obligated by Agency regulations to report evidence of misconduct and could not grant blanket immunity to interview subjects as requested by NTEU and GAO.

GAO Contacts and Staff Acknowledgments

GAO Contacts

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James M. Blume, (202) 512-8777

Acknowledgments

In addition to those named above, Kathleen H. Ebert, Wendy C. Simkalo, Lisa G. Shibata, Bunnie Lempesis, Norman J. Rabkin, Barry J. Seltser, Wendy Ahmed, Douglas M. Sloane, Stuart M. Kaufman, Donna M. Leiss, Geoffrey R. Hamilton, Jan B. Montgomery, Lauren E. Bloomquist, and Gretchen T. Leyman made key contributions to this report.

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