

Statement on GAO Report Customs Personal Searches

The GAO report released today, entitled, *"Better Targeting of Airline Passengers for Personal Searches Could Produce Better Results"* cites statistics from 1997 and 1998 which indicate that Black females were more likely to be subjected to an intrusive search, but were less likely to be found carrying illegal drugs.

The Customs Service does not dispute the accuracy of the statistics cited in the GAO report; however, it is important to note that the statistics are more than a year and-a-half old. Current statistics compiled for the first six months of Fiscal Year 2000 indicate that a series of sweeping reforms instituted by Customs Commissioner Raymond W. Kelly over the past eighteen months are working.

For instance, in the first six months of the current fiscal year, Customs reduced the overall number of most intrusive searches by nearly half (from 1141 searches to 563 searches) while actual seizures of illegal drugs increased by 5% (from 293 to 309). Roughly one of every 8,000 passengers who arrive in the United States are selected for a personal search, based on the suspicion of the inspector and the inspector's supervisor.

We believe it is critical that the Customs Service presents a credible deterrent to drug smugglers. At the same time it must protect the civil rights of people who arrive in the United States. The reforms instituted by Commissioner Kelly over the past 18 months appear to be meeting that objective.

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Current Reforms:

- Closer supervision throughout the process
- Better info to inspectors on day-to-day
- Better info to traveling public re: rights
- Support for passenger comments (82% have been positive)
- Better technology to allow at physical touch

FACT SHEET

United States Customs Service, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229



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SUMMARY OF ACTIONS BY CUSTOMS TO IMPROVE PASSENGER PROCESSING

As of October 28, 1999

INFORMATION

Increased Legal Oversight

- Instituted a new policy, effective October 28, requiring Customs officers to contact the local U.S. attorney's office when Customs detains a person for eight hours or more. (10/99)
- Customs lawyers are now on-call 24-hours-per-day to advise Customs officers during the search process. Customs officers can consult with Customs counsel at any time. Such consultation is mandatory for all medical examinations. (In training and equipment process, ongoing.)

Increased Supervisory Oversight

- A Customs supervisor must approve all pat-down personal searches. (5/99)
- A supervisor must fill out a Supervisor's Check Sheet for all negative personal searches. (6/99)
- A Port Director must approve all searches that require moving a person to a medical facility for a medical examination. (5/99)

New Personal Search Handbook

- Enhanced the Customs Personal Search Handbook. The revised manual is being distributed to all inspectors in October. (10/99)
- Eliminated specific historical factors as the basis to conduct personal searches. Replaced with six broad criteria to support search decisions. (6/99)

Improved Data Collection

- Instituted an enhanced data collection system in May to gather data on race, gender, age, and citizenship of persons detained for a personal search, noting the new criteria. (5/99)
- Created a Passenger Data Analysis Unit in Customs Headquarters to review all personal search data. (6/99)

Commissioner,

Please find attached draft remarks for the Chicago O'Hare press conference on Nov. 22 for possible review during your trip to Korea.

This is rough, and I still have to get a better sense from the organizers of how this event will proceed, who exactly the participants will be, etc. But I thought we could at least start fine-tuning the rhetoric.

I have tentatively scripted the comments as follows:

- 1) Introduction and brief comments about new bodyscan system (after intro from Congressman Davis)
- 2) demonstration of technology
- 3) further comments on all the changes to the personal search policy

I am also attaching three charts from OFO for possible display during the press conference. They are referenced in the comments. One highlights the Search Efficiency Ratios and the other our airport seizures in FY 99 and FY 98.

NEWS

Department of the Treasury
U.S. CUSTOMS SERVICE



FOR IMMEDIATE RELEASE

April 8, 1999

99-039

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U.S. CUSTOMS COMMISSIONER NAMES INDEPENDENT PERSONAL SEARCH REVIEW COMMISSION

(Washington)—Raymond W. Kelly, Commissioner of the U.S. Customs Service, today announced the formation of an independent Personal Search Review Commission to review U.S. Customs policies and procedures for international air passenger processing. The Commission will be composed of four non-Customs federal government officials, and will be chaired by Constance Newman, Under Secretary of the Smithsonian Institution and former Director of the Office of Personnel Management. In addition, Mr. Sanford Cloud, Jr., President and Chief Executive Officer of The National Conference for Community and Justice, has agreed to serve as Independent Advisor to the Commissioner.

In the past few months a growing number of people have complained publicly and privately about the treatment they received during a Customs search. Some people believed they were selected for this search merely because of their race.

"If a bias exists, whether perceived or real, it is paramount that we find its cause and eliminate it," Commissioner Kelly said. "Drug smugglers will try to exploit any weakness in our systems. If there is any bias in our systems—or even the perception of bias—it creates a weakness. Bias is not a part of Customs policy. We cannot afford it to be a part of our practice."

The independent Commission will look at U.S. Customs policies for processing travelers at international airports, review procedures for and methods of processing travelers and selecting passengers for further examination at airports through Customs, review adequacy of information made available to the traveling public about U.S. Customs procedures and search authorities, and review search procedures, including personal searches, and the impact of these procedures on air passengers. When the review is concluded, the Commission will advise the Commissioner on how U.S. Customs can effectively perform its informational and search responsibilities when processing passengers.

Constance Berry Newman has been the Under Secretary of the Smithsonian Institution since July 1992. Previously, Ms. Newman was Director of the Office of Personnel Management from June 1989 to June 1992. Ms. Newman has had a long and distinguished career in public service, including service as Assistant Secretary of the U.S. Department of Housing and Urban Development, Director of Volunteers in Service to America (VISTA), and Commissioner and Vice-Chairman of the Consumer Product Safety Commission.

Report Drug Smuggling to 1-800-BE-ALERT
<http://www.customs.treas.gov>

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Robin Renee Sanders is currently Director for Africa at the National Security Council. Ms. Sanders was previously the Special Assistant for Latin America, Africa and International Crime for the Under Secretary of State for Political Affairs at the Department of State in Washington, DC. From 1994-96, Ms. Sanders was the Chief of Staff and Senior Foreign Policy Advisor for Congresswoman Cynthia McKinney of Georgia.

Ms. Ana Marie Salazar is currently the Deputy Assistant Secretary of Defense for Drug Enforcement Policy and Support. She is the highest ranking Latina in the Defense Department. Ms. Salazar has served as the Judicial Attaché at the United States Embassy in Bogota, and as Policy Advisor for the President's Special Envoy for the Americas.

Sanford Cloud, Jr. is the eighth president, and first African American president, of the National Conference for Community and Justice (NCCJ). He became president of the NCCJ, formerly known as the National Conference of Christians and Jews, in 1994. Mr. Cloud has led the NCCJ in conducting public and private dialogues throughout the nation to further understanding on race, ethnicity and culture.

Congressman John Lewis (D-GA) joined Commissioner Kelly in announcing the review commission. "I am pleased to see Commissioner Kelly taking prompt action to address my inquiry into these serious allegations of discriminatory practices in the processing of international air passengers," Congressman Lewis said. "This is an important first step in insuring that all international air travelers are treated equally at airports around the country."

The independent external Commission is one of a number of actions Commissioner Kelly is taking to improve the procedures by which the U.S. Customs Service processes international air passenger. Customs is training all inspectors in cultural interaction, it published new brochures explaining search procedures and the the mission of the U.S. Customs Service, comment cards are now available for passengers to provide feedback on their Customs experience. In addition, signs are being posted in the International Arrivals areas of U.S. airports that detail U.S. Customs responsibilities and authorities in searching passengers, and explains passengers rights and obligations in the Customs process.

The U.S. Customs Service is also actively investigating advanced technology in order to make the search process less intrusive for passenger and inspector alike. This new technology includes a state-of-the-art Body Scan machine which is currently in use at Miami and JFK International Airports. The machine allows a detailed scan of a person's body underneath clothing without physical contact. Other types of technology include latex "breathalyzers," and portable x-ray machines that will be tested on-site at airports.

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fact sheet

Department of the Treasury / United States Customs Service / Washington, D.C. 20229

PERSONAL SEARCH REVIEW COMMISSION

The U.S. Customs Service is the front line of America's defense against the smuggling of drugs and other contraband. More than 400 million people cross the borders of the United States each year, by land, air and sea. In 1998, the Customs Service seized more than one million pounds of drugs from travelers and cargo which entered the country.

On April 8, 1999, Raymond W. Kelly, Commissioner of the U.S. Customs Service, appointed an independent Personal Search Review Commission to evaluate the policies and procedures of the U.S. Customs Service in processing international air passengers, including selection of passengers for searches. When the Commission's review is concluded, an Independent Advisor will make recommendations to the Commissioner on how U.S. Customs can effectively perform its responsibilities when processing passengers.

COMPOSITION:

- Four non-Customs federal government officials

ROLE:

- Review U.S. Customs policies for processing travelers at international airports;
- Review procedures for and methods of processing travelers;
- Review process of selecting passengers for further examination at airports;
- Review adequacy of information made available to the traveling public about U.S. Customs procedures and search authorities;
- Review search procedures, including personal searches, and the impact of these procedures on air passengers.

REPORT DRUG SMUGGLING TO THE U. S. CUSTOMS SERVICE AT 1-800-BE-ALERT.

For more information, visit Customs on the Internet at <http://www.customs.treas.gov>
or call the Office of Public Affairs at 202-927-1770.

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COMMISSION MEMBERS:

- Constance Berry Newman, Under Secretary of the Smithsonian Institution, former Director of the Office of Personnel Management. Ms. Newman will chair the Commission.
- Ana Maria Salazar, Deputy Assistant Secretary of Defense for Drug Enforcement Policy and Support. Ms. Salazar is the highest ranking Latina at the Department of Defense.
- Ms. Robin Renee Sanders, Director for Africa, National Security Council.

Independent Advisor:

- Sanford Cloud, Jr., President and CEO of the National Conference for Community and Justice (NCCJ). Mr. Cloud will provide recommendations to the Commissioner based on findings of the commission.

**FACSIMILE COVER SHEET
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