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Via Email: David.Pekoske@tsa.dhs.gov

Administrator David Pekoske
Transportation Security Administration
Philadelphia Field Office

RE: Violation of Security Protocol in the PFO – Unauthorized Access to TSA-Facility Camera Systems

As you are aware from our last several letters, including the most recent from January 7, 2022, Clark Hill PLC is the legal representative of the Air Marshal Association and represents the majority of the Federal Air Marshals ("FAMs") in the Federal Air Marshal Service ("FAMS"), specifically those in the Philadelphia Field Office ("PFO"). This letter addresses SAC Altomare's unauthorized use of the Security Camera System in the PFO in violation of TSA and DHS policy.

The following two directives provide the policies of the Transportation Security Administration ("TSA") and Department of Homeland Security ("DHS") with respect to the use of the Security Camera System:

- TSA MD 2800.18, Facilities Security: This directive articulates TSA policy and procedures for securing TSA-controlled facilities nationwide and protecting TSA personnel, facilities and assets from unlawful acts. The term TSA-controlled facility encompasses the components assigned to that facility, including Security Cameras.
- DHS Instruction 121-01-007-01 (Revision 01): This directive provides comprehensive standards articulated by the Department of Homeland Security ("DHS") with respect to personnel security, suitability, and fitness program. Specifically, in Chapter 2, Personnel Security Program Standards, item #10, outlines the "Use of Technology" as follows: "Information technologies implemented to support personnel security processes utilize the proper technical safeguards, user training and assessments (e.g., privacy, certification and accreditation) to ensure adequate protection of personnel security related information."

Based on the above standards and definitions, there is reason to believe that SAC Altomare has compromised his own integrity, as well as that of the PFO and TSA, by violating these procedures and policies. In light of this and based on the following information, we request a review and investigation of SAC Altomare for his actions. Further, the violation involves a member of management, SFAM Cope, who has already been reported in a potential "Insider Threat"

security violation. Other involved parties include SFAM Cupo, SFAM Bard, Acting ASAC Clodfelter, ASAC Robbins, and a FAM. The incident described herein has been reported to the TSA and PFO as a violation of policy. Each of the seven above employees was involved in the incident and should be investigated with respect thereto in accordance with OOI procedures. Failure to do so exemplifies the TSA's and the PFO's complacency with respect to managerial policy violations, even where security is at issue.

SAC Altomare approved undesignated and untrained managers to access the TSA-controlled facility with Security Cameras, and utilize the federal government security cameras in order to gather evidence for cause in a disciplinary action against a FAM. Per policy, only a Facility Security Manager (FSM) who accesses and uses this equipment is an authorized user. Unauthorized users represent a serious violation of the above policies and create a security risk or potential unlawful use. Based on the below facts, it is likely the individual who accessed the Security Cameras and viewed the video footage for this disciplinary action was not the FSM.

Additionally, if anyone other than the FSM has the system password and/or has organized the viewing of the video footage, such action is a violation of security protocol as an unauthorized use of an established password for the security system. The incident does not involve potential security breaches which would require camera review, nor is there a named investigation of the affected FAM, commission of a crime, or any other potential threat which would create the need to verify the presence of an employee by viewing the camera footage.

This incident began on May 31, 2021. On May 31, 2021, a FAM complained about a schedule change which was outside the FAM's scheduled duty times. The change affected the child care functions for the FAM. On June 10, 2021, SFAM Cope wrote a "Letter of Guidance and Direction" to the FAM for complaining about the schedule change. In the letter, SFAM Cope details what he apparently interpreted to be the FAM "yelling" and "berating" a supervisor, stating, "Each of these instances warrant an Incident Tracking Report ("ITR") for misconduct; however, SAC Altomare directed that no ITRs were to be submitted, and for this letter to be issued to you." This FAM began their career in 2002, and no other FAMs have seen the FAM exhibit behavior such as what SFAM Cope described during the entirety of the FAM's career. After receiving this letter, the FAM sought assistance and placed the Letter of Guidance and Direction in several mailboxes in the Field Office bullpen, which is a public space shared by the FAMs.

On or around June 23, 2021, SAC Altomare mandated the FAM to report to his office after the FAM's scheduled duty ended. Such mandate exhibits that a FAM can be re-called before and after scheduled duty times and embodies the expectation that a FAM accept mission hours prior to their scheduled duty times. The FAM attended the meeting, wherein management, including the SAC, explained that it had received a complaint from another FAM about the letter having been placed in their mailbox. The identity of the FAM was not revealed. Management went on to explain that the FAM had been captured on PFO security camera footage putting letters, which were found to be copies of the letter written by SFAM Cope, into several mailboxes in the PFO bullpen. It is this statement which we find alarming.

Each Field Office is required to implement a Facility Security Plan. This Plan is a document establishing how the TSA facility is being kept secure, and includes specified TSA-required elements to protect the facility, as well as specific procedures and response plans established for identified incidents. PFO members have relayed that SFAM Bard is the assigned FSM for the PFO. SFAM Bard most likely has received specialized training and certification for this role and is required to maintain accountability of the camera system as part of his function as FSM. As a result, SFAM Bard controls the security cameras, access to the TSA-controlled space wherein the camera systems

are stored, monitors the sign-in procedures for viewing the cameras, and is trained in situations requiring use of the systems.

Generally, camera systems have limited access and sign-in procedures in order to preserve footage, and viewing and use of the system is documented. Management has notified the FAM that the cameras were utilized to view the FAM placing the letters in the bullpen mailboxes. We interpret this use of the camera system as a violation of policy per the DHS intended purposes.

For May and June of 2021, the Designated Official (DO) in charge of the PFO is and was at all relevant times SAC Altomare. SAC Altomare in his capacity thereby appointed the FSM, who coordinates all security, emergency, and safety policies, guidelines, and protocols for the facility. Pursuant to TSA MD 2800.18, SAC Altomare is also required to ensure that personnel comply with standards and requirements as set forth in this directive and in supplemental guidance. SAC Altomare is further required to ensure that access to the TSA-controlled facility is limited to only those individuals designated to access TSA-controlled components, in order to minimize potential for security breaches. Namely, if a person other than an assigned FSM accesses the Security Camera footage, records of the access will be documented.

In order to ensure security, there are standardized access and control requirements to promote Physical Security; FSMs and SAC Altomare do not have the unilateral authority to arbitrarily ignore and enforce these policies, regardless of the factual background. As SAC of the PFO, SAC Altomare must be held to the highest standard with respect to these policies. SAC Altomare and a small group of malcontent managers have created opportunities for disciplinary action on flying FAMs in the PFO. As in the above incident, SAC Altomare uses his position of authority to violate DHS and TSA policy in pursuit of this goal. Further, this abuse of power may result in a negative outcome from both the DHS and TSA, since one of the managers involved has already been reported for violation of policy created a potential Insider Threat. This example is a second violation of security protocol by SFAM Cope, and despite knowledge of this, SAC Altomare remains complicit. SAC Altomare is thus effectively lowering the security and efficiency of federal government service and must be held accountable for his actions.

This policy violation has been reported in the FAMS Director's Anonymous Suggestion Box as well as to DHS-OIG, with reference number [HLCN1626278922046](#). On July 21, 2021, in response to the DHS-OIG complaint, the TSA Investigations Hotline Complaint Program responded as receiving this DHS-OIG complaint and stated, "they are reviewing the concerns submitted to the DHS-OIG regarding a PHL FO Security Camera Violation." The violation was also reported to the TSA, the reference number for which is [HL21-01659](#).

SAC Altomare was assigned to be the PFO SAC about nine months ago. Senior Leadership at FAMS Headquarters have failed to address workforce complaints and have neglected to intervene in the following reported issues: decreasing morale, Prohibited Personnel Practices, harassment and retaliation, targeting of the members of the Local Action Plan (LAP), and occurrences of allowing COVID-19 positive FAMs to fly on domestic flights. Added to this list is failing to investigate and intervene in severe violations of security policy and processes in order to create cause for discipline.

FAMS Senior Leadership is sending a clear message to the PFO workforce by allowing SAC Altomare and management to continue to tarnish the PFO's reputation. The message being broadcasted is the FAMS Senior Leadership will continue to foster and protect management officials who violate and ignore policy, target and retaliate against the workforce, decrease FAM

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quality of life, and commit Prohibited Personnel Practices in performance evaluations. The hardworking PFO workforce simply does not deserve this treatment and requests relief.

In accordance with the above information, we request the immediate investigation including removal of the managers involved in the security violation described herein, which has lowered the integrity and standards of the TSA and FAMS. Please respond within seven days of the date of this letter, with a detailed explanation as to any misconceptions articulated in this and previous letters, as well as how you intend to resolve these violations.

Sincerely,

CLARK HILL

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