

FAMS Evolution - 1811 Committee Update

September 21, 2020 – COVID19



This document updates and supplements to the February 26, 2020 Air Marshal Association (AMA) Evolution Committee report regarding the necessity for the Federal Air Marshal Service (FAMS) to evolve its historical role and current operations by increasing the investigatory aspect of Federal Air Marshals. The February 26, 2020 report was delivered in person to Administrator Pekoske at a meeting which included FAMS senior leadership, Deputy Administrators, AMA President John Casaretti, and Committee co-chairs Federal Air Marshals (FAMs) Gavin McFeeters and AMA Board member Justin Vath.

The February 26, 2020 paper expands upon the original April 23, 2019 Evolution paper outlining the need for evolving our workforce and mission space. These products are developed by the FAM workforce with the assistance of the AMA, and are grounded in the certainty and understanding that the FAMS must evolve into a Criminal Investigator (1811 job series) position that investigates insider threats and federal crimes at transportation hubs while right sizing legacy duties such as inflight protection.

Key takeaways:

- *COVID 19 related airline flight reduction has reduced FAM missions.*
- *Reduced missions have led to reduced FAM program costs.*
- *FAM program savings can be used to evolve the FAM workforce, and not be shifted into the TSA budget.*
- *FLETC could make 1811 bridge courses available via distance/ remote learning. Remote learning will significantly reduce FAM 1811 conversion costs.*
- *The investigation of federal crimes at transportation facilities will increase our capabilities of identifying terroristic intent, as terrorists utilize the methodologies exploited during the commission of other crimes.*
- *Leadership at the national and local level will need to be retrained and empowered to operate effectively in this new mission space.*
- *New duties and roles will foster promotions that utilize objective data, and clearly define leaders through successful case development and achievements.*

While no one could have predicted the scope of COVID-19's impact on the world and airline passenger capacity, our position is that the pandemic's effect has compounded issues that have affected the FAMS for nearly two decades, while creating a windfall of opportunity.

Effect of Reduced Passenger Capacity on FAMS Operations

A recent report by the International Civil Aviation Organization (ICAO) has highlighted the profound impact the pandemic continues to have on the airline industry. Current seat capacity for 2020 is down 50%, models predict up to a 44% reduction continuing into Q1 2020 (this forecast is predicated on no resurgence of COVID-19 and subsequent restrictions) and continued loss of revenue for air carriers for the foreseeable future.ⁱ What the future holds for the health of the airline industry is outside of this document's intent and purview. We can, however, begin to validate the assertions that were included in our previous position paper based upon the decrease in airline capacity, reduced routes and subsequent reduction in FAMS coverage as a consequence. FAMS, as an organization, must make fundamental changes to the way in which it operates to survive the current scenario and establish its relevance into the future.

The FAMS' historical reliance on the success of the aviation industry to justify operations in their current form cannot continue. Rather than viewing the current pandemic as a distinct period which our agency must endure to return to the status quo, we should see it as an opportunity to redefine our mission space and evolve to address current threats to transportation.

Fiscal Considerations

Since the pandemic's start, FAM operations across the board have been significantly reduced both domestically and internationally. This has invariably reduced the costs associated with the mission tempo the FAMS had prior to the COVID-19 outbreak. The funds initially budgeted to account for these costs (mileage, per diem, accommodations, overtime, etc.) should be used to provide Criminal Investigator training to Federal Air Marshals, and give the workforce the proper tools to identify and develop casework for violations of federal law occurring within our mission space.

In our initial position paper we identified a course of action that we felt was both fiscally responsible, established as a valid avenue to transition 1801 series employees to the 1811 series, and could be accomplished with minimal disruption to FAMS operations. This plan would allow current 1801 series FAMS to remain in their current in-flight duties, eventually sun setting upon their retirement, while creating the new Transportation Criminal Investigator position.

Our research indicates that the Federal Law Enforcement Training Center (FLETC) is actively pursuing alternative learning options to facilitate basic and advanced training for federal law enforcement agencies. This includes leveraging technology to deliver instruction remotely via online courses.ⁱⁱ Our opinion is that the FAMS should begin actively investigating and discussing training options with the FLETC regarding accreditation for a hybrid 1811 bridge program, such as the one mentioned in our previous document. This would reduce costs associated with sending FAMS to a residential training program, shorten the timeline to train the workforce, accommodate social distancing that may be required and would possibly allow for any in-person training to be conducted at the FAMS training center in Atlantic City, NJ. The current climate should be viewed as an opportunity to take advantage of our strengths, especially as they relate to training (agency owned training facilities, contracted role players, logistical and administrative experience conducting basic and advanced training in-house, etc.).

The AMA has further identified a consultant group that specializes in FLETA accreditation and could streamline this process, as well as the ultimate implementation of workforce transition. The costs associated with contracting the bulk of the administrative efforts out to this company may be a welcome tradeoff for avoiding the bureaucracy inherent with such an undertaking. The AMA has no relationship with this company and recommend them only as an avenue we feel is worth exploring. We will be happy to furnish the FAMS with this information upon request.

The Increased Value of FAM Criminal Investigators

The ultimate end state we envision is an agency comprised of Criminal Investigators, conducting investigations that have a nexus to the transportation domain, partnering with other Federal Law Enforcement agencies in their efforts while maintaining our core mission of aviation security. Our investigatory efforts, and the intelligence that they garner, should drive agency decisions to deploy FAMS on board an aircraft. Nowhere is this need more prevalent than against insider threats. Currently our workforce is neither trained, equipped nor empowered to conduct investigations on potential

threats to the transportation domain, or employees that have unfettered access to sensitive areas. Although FAMS has placed an emphasis on combating the insider threat issue, little has been accomplished at local levels to begin actively investigating and neutralizing potential bad actors.

Our increased role investigating these threats will necessarily bring us into frequent contact with our partners in law enforcement at the federal, state and local levels, and will require us to assist with their casework and enforcement efforts. This collaboration will provide additional value to our organic investigations by exposing FAMs to existing casework in a variety of areas (drug, immigration, financial and human trafficking, etc.). Terrorists will copy and exploit illegal methods to carry out attacks against our country; specifically, drugs can be smuggled onto an aircraft as easily an explosive. Since bad actors continually use the transportation domain to further criminal enterprises, the establishment of a Transportation Criminal Investigator position meets the needs of government while providing a much-needed static federal law enforcement presence at airports and transportation chokepoints.

A critical component of FAMS evolution is the ability of FAMS leadership at the national and field office level to understand and defend the new mission space. FAM management has perpetuated a risk averse approach to law enforcement operations and has, historically, failed to develop our agency into the government's elite anti-terrorism agents. Specific engagement by TSA Office of Chief Counsel, and collaboration with local Assistant US Attorney offices is needed to properly define the goals and expectations of field office Supervisory Air Marshals in Charge. Decentralizing law enforcement operations will empower individual field offices, supervisors and FAMs to excel in their efforts and identify strengths that can be utilized and weaknesses that can be improved upon. A benefit of this decentralization will be an overall increase in the qualitative and quantifiable aspects of how well we do our job across all spectrums of the organization, from individual FAMs to the agency as a whole. This will lead to promotions that utilize objective data, and clearly define leaders through successful case development and achievements.

Conclusion

The world will never be the same, even after this pandemic has officially ended. This period will leave an indelible mark upon every facet of our lives and will inform many of the decisions we make going forward. The need for evolution in the Federal Air Marshal Service was present long before COVID-19. Failure to commit to make the necessary changes to our organization will only serve to strengthen arguments against our continued existence, and further reduce agency morale.

Federal Air Marshals deserve better than a one-dimensional role, and the agency cannot fight terrorism in 2020 with the same strategy we devised in 2002.

For further information on this update, or other AMA products, please email admin@airmarshal.org.

ⁱ https://www.icao.int/sustainability/Documents/COVID-19/ICAO_Coronavirus_Econ_Impact.pdf

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https://www.iadlest.org/Portals/0/Files/Documents/tdocs/COVID_Acad/FLETC%20RECONSTITUTION%20PLAN%20-%20FINAL%205-26-2020.pdf?ver=2020-05-28-121815-303