



Domestic General Aviation Law Enforcement Operations

A Top-Down Review

October 1, 2014

U.S. Customs and Border Protection
Office of Air and Marine

RECEIVED

OCT 02 2014

PRESIDENTS OFFICE



U.S. Customs and
Border Protection

OAM HIGHLIGHTS

WHY OAM DID THIS STUDY:

OAM conducted this review in response to questions regarding the conduct, legality, and efficacy of its pilot certificate inspection program. Pilot certification inspections are one of the most common ways OAM interacts with the GA community. OAM is committed to treating pilots in a courteous, dignified manner, and works to establish positive relationships with members of the flying public.

OAM began to review its pilot certificate inspection process, focusing on the following areas:

1. The efficacy of Operation SKYLANE.
2. Law enforcement response and partner communication.
3. Internal basic and recurring training.
4. Policies, practices, and procedures.
5. External communication and public outreach.

RECOMMENDATION:

OAM recommends that all personnel review policies and procedures on a frequent basis, and that OAM continues to refine training and information provided to state and local law enforcement partners.



OCTOBER 2014

OFFICE OF AIR AND MARINE

This Top-Down Review Examines OAM's Pilot Certificate Inspection Processes, Policies, and Best Practices and Provides Updates on Current and Future Initiatives

OAM'S FINDINGS

During the review of domestic general aviation law enforcement operations, OAM discovered that there were areas for improvement; and subsequently identified current and new initiatives to address these issues.

Specifically:

1. OAM has increased effectiveness and accountability by requiring agents and officers to log all contacts with the general aviation community. This led to better research during Operation SKYLANE and decreased the likelihood of unwarranted repeat encounters with GA pilots.
2. OAM has increased its capability to use its own personnel and assets to conduct pilot certificate inspections, ensuring that general aviation pilots receive information from the agents and officers most skilled to conduct pilot certificate inspections.
3. OAM has improved communication and training. Refining current training, procedures, and practices led to better communication with partners and strengthened pre-existing relationships.
4. While OAM found its basic training classroom curriculum to be satisfactory, both basic and recurring training disproportionately focused on criminal and worst-case scenarios, and did not provide an adequate variety of pilot certificate inspection situations. In addition, OAM's recurring training should place additional focus on law, regulation, policy and procedures.
5. OAM has updated current procedures and improved internal guidance for reaching external audiences, which emphasizes communicating with the general aviation community as a top priority.
6. OAM is taking steps to improve communications with the general aviation community by producing materials to give to the public at outreach events and during pilot certificate inspections.

Message from the Assistant Commissioner

During the Senate confirmation hearings of Commissioner R. Gil Kerlikowske, he pledged to conduct a review of U.S. Customs and Border Protection (CBP), Office of Air and Marine's (OAM) important law enforcement efforts within the general aviation (GA) community.

I am proud to present this report, *Domestic General Aviation Law Enforcement Operations: A Top-Down Review*, which I believe will enable our partners to understand CBP's role in national security and address concerns from the GA community.



The vast majority of GA community members, to include pilots, aircraft owners, fixed base operators and flight school instructors are law-abiding citizens who stand with CBP in protecting our national airspace and our communities from GA aircraft being used to commit serious crimes, such as drug and weapons trafficking and terrorism.

The men and women of OAM carry out an important law enforcement mission, and OAM is the only law enforcement agency in the United States with the expertise and equipment to execute this mission from beginning to end. From the Air and Marine Operations Center (AMOC) to the air branches and units, experienced law enforcement officers watch over our national airspace.

Detecting, investigating and interdicting GA aircraft that are being used in the commission of crimes is an important part of OAM's mission. OAM has a responsibility to conduct its mission judiciously; this review enabled OAM to examine policies and practices as they relate to interaction with the GA community, to include pilot certificate inspections. The review also enabled OAM to identify and implement initiatives such as new procedures, and requirements, increasing internal and external communication, and augmenting existing training to be more beneficial and useful to agents and officers. The changes and improvements that resulted from this review will help CBP to perform this important law enforcement mission in a more efficient and effective manner, while protecting the constitutional rights of citizens. We will continue to revisit this subject in the future, evaluate our performance, and make changes when appropriate.

I hope you will find this report informative and useful. We look forward to continued cooperation with the GA community, other CBP components, and other law enforcement agencies as we move forward to address detecting and stopping crimes committed through the use of GA aircraft in a more efficient and focused way, while maintaining sensitivity to the concerns of the GA community.

Sincerely,

A handwritten signature in black ink that reads "R. D. Alles".

Randolph D. Alles
Assistant Commissioner
Office of Air and Marine
U.S. Customs and Border Protection

TABLE OF CONTENTS

I. Background	5
<i>The Office of Air and Marine</i>	<i>5</i>
II. Federal Authority.....	6
III. Pilot Certificate Inspections	7
IV. The Air and Marine Operations Center	8
V. Operation SKYLANE	9
VI. Working Group’s Scope, Purpose, Goals, and Objectives	10
VII. Findings, Recommendations, and Initiatives.....	11
1. <i>Efficacy of Operation SKYLANE</i>	<i>11</i>
2. <i>Law Enforcement Response and Partner Communication</i>	<i>13</i>
3. <i>Internal Basic and Recurring Training.....</i>	<i>15</i>
4. <i>Policies, Practices, and Procedures</i>	<i>16</i>
5. <i>External Communication and Public Outreach.....</i>	<i>18</i>
VIII. Conclusion	20
Appendix 1: Authorities and References	22
Appendix 2: FY 2014 SKYLANE Significant Events	25

I. Background

The Office of Air and Marine

As the world's largest aviation and maritime law enforcement organization, U.S. Customs and Border Protection (CBP), Office of Air and Marine (OAM) protects the American people and the nation's security interests. OAM applies advanced aeronautical and maritime capabilities and employs its unique skill sets in service of the American people.

OAM makes significant contributions to Department of Homeland Security (DHS) efforts, as well as to federal, state, local and tribal agencies. OAM is uniquely positioned to ensure the success of border protection and law enforcement operations between ports of entry; within the maritime operating areas; and within the nation's interior, and provide direct air and maritime support to multiple agencies.

II. Federal Authority

CBP's responsibility for smuggling interdiction has roots in the legacy U.S. Customs Service, created in 1789. Preventing air smuggling became a critical element to the U.S. Customs Service mission in the 1920s as GA aircraft began to come into use. In 2003, that vital mission passed to CBP and OAM. OAM is authorized to conduct pilot certificate inspections under a variety of statutes and regulations, to include:

- 14 CFR § 61.3(1) Requirement for certificates, ratings, and authorizations
- 14 CFR § 91.203 Civil aircraft: Certifications required
- 49 USC § 44103(d) Registration of aircraft

In 2007, the President directed the production of a National Strategy for Aviation Security and supporting plans. This was achieved through the National Security Presidential Directive-47/Homeland Security Presidential Directive-16 (NSPD-47/HSPD-16). Two of these supporting plans, the Air Domain Surveillance and Intelligence Integration Plan (ADSII) and the Aviation Operational Threat Response Plan (AOTR), identify CBP responsibilities with respect to domestic aviation security. The AOTR specifies that the Secretary of Homeland Security, acting through U.S. Customs and Border Protection (CBP), is responsible for conducting aviation law enforcement operations, including detecting, identifying, and interdicting potential air threats to national security, as well as investigative case support for prosecution of criminal law violations within its jurisdiction. The ADSII specifies that CBP is responsible for detecting and identifying potential air threats to the United States, including aircraft involved in the aerial transit of contraband in the United States.

III. Pilot Certificate Inspections

Pilot certificate inspections are document inspections of a pilot's medical certificate, photo identification, and pilot/airman certificate. Agents and officers cross-check these documents to ensure their validity and the safety of GA activity. These certificate inspections may be conducted by officials from the Federal Aviation Administration (FAA); Transportation Security Administration; National Transportation Safety Board; CBP, or any other federal, state, or local law enforcement officer. Many of these inspections are random and mundane; however, occasionally law enforcement entities coordinate to conduct pilot certificate inspections if they have received information regarding possible criminal activity.

It is important to note that pilot certificate inspections are different from ramp inspections. According to FAA regulations, ramp inspections include observations of the pilot and aircraft, which may include conducting maintenance record and other document inspections. Although ramp checks may include a pilot certificate inspection, a ramp check is more comprehensive. Further, OAM does not conduct ramp checks; these are exclusively conducted by the FAA. OAM may, however, be on-site to provide law enforcement support.

Pilot certificate inspections are one of the most common ways OAM interacts with the GA community. OAM is committed to treating pilots in a courteous, dignified manner, and works to establish positive relationships with members of the flying public and the protection of civil rights and liberties. The GA community serves as CBP's most reliable source on reporting anomalous activity occurring on or near airports and aircraft.

In addition to reports from the GA community, OAM pilot certificate inspections may be conducted based on referrals from the Air and Marine Operations Center or other law enforcement agencies. Each of these referrals is carefully examined for nuance and context, and communicated in a way to minimize the impact on the aviation community and encourages the least intrusive or confrontational approach. Given the sensitivities of law enforcement information and investigations, among other considerations, OAM officers and agents may not be able to answer all questions regarding the rationale for the pilot certificate inspection.

The ultimate goal of pilot certificate inspections is not to inconvenience or interrupt the travel of the GA community, rather, law enforcement officials are fulfilling their duty of ensuring a safe and secure nation.

IV. The Air and Marine Operations Center

The Air and Marine Operations Center (AMOC) is an OAM operations and domain awareness center which provides direct coordination and investigative support to OAM; other CBP law enforcement officers performing interdiction missions; and officers from federal, state, and local law enforcement agencies pursuing criminal and administrative cases.

The AMOC plays an integral role in protecting citizens from acts of terrorism and smuggling throughout the national airspace and across U.S. borders. The AMOC's unique capability to detect, track and sort aircraft, coupled with an integrated intelligence and investigative staff, allows it to rapidly identify anomalies. The air domain awareness information is not limited to suspected criminal acts or activities, but routinely includes information to support search and rescue operations and the locating and tracking of unresponsive aircraft.

The AMOC is not a command and control facility that directs and controls all interactions between law enforcement officers and the general aviation community. The AMOC monitors complex airway traffic to identify illicit use of aircraft and those attempting to blend in with legitimate traffic. The AMOC is also able to provide unparalleled and immediate support to the efforts of federal, state, local, tribal and international law enforcement mission partners within the air domain.

Some pilot certificate inspections may be the result of information provided by the AMOC. Although the AMOC is an OAM operations center, the law enforcement personnel acting on the AMOC's referral may not include OAM officers or agents. OAM's direct participation is dependent on other factors such as personnel and asset availability and location.

V. Operation SKYLANE

Operation SKYLANE is the processes by which AMOC personnel research GA aircraft and detect, identify, and if necessary, coordinate interdiction of GA aircraft which exhibit characteristics that might indicate involvement in illicit activity. There is no one characteristic that determines or indicates illegal behavior; AMOC is looking for a variety of factors that, when seen as a complete picture, sets one aircraft apart from thousands.

Operation SKYLANE is conducted in conjunction with CBP's primary border mission. OAM personnel collaborate to identify aircraft potentially violating the law and/or posing a significant airborne threat to national security.

The AMOC carefully evaluates the actions of an aircraft and will only disseminate their observations to federal, state, local and tribal law enforcement partners. As part of the dissemination of observed actions and patterns to our law enforcement partners, AMOC occasionally encourages the partner agency to consider a regulatory encounter pursuant to the Federal Aviation Regulations, or provide specific and articulable facts that support the detention of an aircraft to facilitate the investigation of criminal activities.

SKYLANE is a separate process from the actual field response or pilot certificate inspection, and is only conducted at AMOC.

When AMOC decides to coordinate contact with a GA aircraft, it will contact an OAM branch first, in keeping with OAM's desire to primarily utilize its own assets and personnel. If OAM branches are not available, OAM will contact federal partners and then state and local law enforcement, if necessary.

VI. Working Group's Scope, Purpose, Goals, and Objectives

OAM is dedicated to regular comprehensive reviews of practices, looking at multiple levels of the organization to address intent, execution, and messaging. Beginning in 2011, the OAM Assistant Commissioner tasked multiple OAM directorates to review various aspects of the pilot certification inspection process. The scope of these reviews was extensive, including an examination of internal law enforcement training, AMOC processes and procedures, and external communication with law enforcement partners and the general public. As these reviews continued, OAM incorporated review areas based on input from the GA community and Congressional requests.

Following the CBP Commissioner's commitment to Congress to continue to review and improve internal pilot certificate inspection processes, the OAM Assistant Commissioner tasked a select group of subject matter experts to conduct a top-down review to incorporate all of OAM's previous work on examining and improving its pilot certificate inspection process. The working group's goal was to create a comprehensive report to compile and document the findings, initiatives, and status of the various overall efforts.

1. The efficacy of Operation SKYLANE.
2. Law enforcement response and partner communication.
3. Internal basic and recurring training.
4. Policies, practices, and procedures.
5. External communication and public outreach.

VII. Findings, Recommendations, and Initiatives

1. *Efficacy of Operation SKYLANE*

Operation SKYLANE's efficacy is dependent upon AMOC's effectiveness at evaluating the individualized actions of an aircraft. Since AMOC only disseminates its observations to federal, state, local, and tribal law enforcement partners after careful deliberation and evaluation, it is crucial that its analysis of aircraft activity is comprehensive and accurate.

To determine if AMOC's internal mechanisms are effective, the working group examined Operation SKYLANE's violation rate (i.e., percentage of criminal and regulatory violations [arrest, seizure, etc.] per number of law enforcement contacts with pilots) over the past three years. This analysis mirrored the AMOC's internal reviews conducted over the past three years to ensure it continued to improve its methodology and systems.

Finding 1: The AMOC Has Increased Effectiveness

Since Fiscal Year (FY) 2011, OAM and the AMOC have experienced a steady increase in the number of GA aircraft researched during Operation SKYLANE. Conversely, OAM has seen a steady decrease in the number of law enforcement encounters with aircraft, while the violation rate continues to improve over the same time span. OAM has been more efficient as a direct result of improving the processes for determining which aircraft require further investigation.

Over the past four years, OAM initiated encounters resulted in the detection of numerous criminal and regulatory violations.

- In FY 2011, OAM researched 230 GA aircraft. This resulted in 95 law enforcement contacts with a pilot, culminating in 11 criminal and regulatory violations (arrest, seizure, etc.), for a nearly 12 percent violation rate.
- In FY 2012, OAM researched 356 GA aircraft. This resulted in 59 law enforcement contacts with a pilot, culminating in 13 criminal and regulatory violations, for a 22 percent violation rate.
- In FY 2013, OAM researched 428 GA aircraft. This resulted in 38 contacts with a pilot, culminating in 17 criminal and regulatory violations, for a 45 percent violation rate. Of the 17 violations, 12 were criminal in nature. This culminated in a total of 17 arrests, 13 indictments, 11 convictions, 5 search warrants and 12 seizures. Seizures included 7 aircraft; 768 pounds of marijuana; 1 handgun; \$8,429; and 1 vehicle. Some events resulted in multiple arrests and indictments and some cases are still pending final adjudication.
- Through August 10, 2014, OAM has researched 498 GA aircraft. This resulted in 25 contacts with a pilot, culminating in 9 violations, for a 36 percent violation rate. Eight of the nine violations were criminal in nature, and one was an FAA administrative violation for falsification of documents (formal charges are pending). These events

have led to 11 arrests and seizure of approximately 914 pounds of marijuana; 122 pounds of cocaine; 5 pounds of crystal methamphetamine; \$62,894; 62 firearms; and 7 aircraft.

These statistics indicate that OAM is selective when making the decision to have agents and officers conduct inspections. They also indicate that OAM is improving its ability to make the distinction between legitimate traffic and illicit GA transit, thereby reducing the need to expose law-abiding citizens to delay or inconvenience.

This increase in efficacy is a result of numerous improvements in methodology. As a result of a previous internal review, OAM implemented coordination tools between field branches and the AMOC. Agents and officers are required to log all encounters with GA pilots, regardless if the encounter was initiated by a referral by the AMOC (i.e. SKYLANE). These logs include a narrative explanation of the encounter, no matter how mundane or eventful it may have been. Documenting each contact with a pilot enables the field and AMOC to communicate more and enables the AMOC to keep more accurate logs of the aircraft encountered to decrease the likelihood of unwarranted repeat encounters with GA pilots. The logs also enable the AMOC to conduct more comprehensive research on general air domain activity and events that result in arrest and seizure in order to better analyze which methods are most effective or ineffective.

Recommendation: AMOC Should Continue to Review for Efficacy

The AMOC should continue periodic reviews of its evaluation methods to ensure they are producing efficacious violation rates. Concurrently, as a part of the continuous improvement of the AMOC's methods, OAM should continue maintaining its logging process to ensure thorough research prior to each encounter with a GA pilot. Continuing this will improve the AMOC's efficacy of distinguishing between legitimate and illicit GA transit.

Initiative: Improved Reporting

OAM is committed to constant review, process improvement, and soliciting and acting on feedback in order to promote growth and better service to the public. As a part of a new OAM internal procedure, OAM developed the aforementioned reporting tool for communicating encounters with GA pilots. This mandatory reporting tool will continue to be refined as agents and officers determine innovative enhancements to increase its effectiveness. The AMOC maintains a regular cycle of reviewing its methods of tracking, sorting, and evaluating potential threats and illegal activity. It works closely with federal and private stakeholders to ensure its systems are regularly producing valuable information to maintain air domain awareness and safeguard national security.

Initiative: Improved Technology

Concurrently, OAM continues to expand the number of radar feeds coming into AMOC and technology capabilities through sensor development and integration. In recent years, AMOC integrated additional FAA and Canadian radar feeds which have enhanced our Northern Border domain awareness and increased the Air and Marine Operations Surveillance System's (AMOSS) capacity to detect, identify, track, and direct the interdiction of suspect targets. With FAA's NEXTGEN on the horizon, scheduled to launch on January 1, 2020, AMOC has integrated Automatic Dependent Surveillance Broadcast as a function of improving AMOC's ability to identify potential threats operating within the National Airspace System without pilot contact.

2. *Law Enforcement Response and Partner Communication*

Since Operation SKYLANE necessitates a rapid response from law enforcement, the AMOC may coordinate with other law enforcement agencies when OAM agents and officers cannot respond quickly enough to meet with the pilot. It is important to note that GA pilot certificate inspections may occur independent of Operation SKYLANE and without a referral from the AMOC. OAM's participation during the certificate inspection process may be direct or indirect and there are cases when OAM is not involved in the process.

- OAM is considered *directly* involved when OAM personnel are on scene during a specific pilot certificate inspection and serves as the primary point of contact with the pilot during and, if necessary, after the pilot certificate inspection. On a case by case basis, OAM may coordinate with state and local law enforcement to serve in a support role.
- OAM is considered *indirectly* involved when OAM personnel are on scene during a specific pilot certificate inspection but state and local law enforcement are leading or conducting an investigation or search. State and local authorities serve as primary point of contact with the pilot during and, if necessary, after the pilot certificate inspection. AMOC coordination with a federal, state or local law enforcement is also considered indirect involvement, even though OAM personnel may not be on scene.
- OAM is *uninvolved* if state and local law enforcement are acting upon information they have obtained independently, have not coordinated with OAM, and no OAM agents and officers are on scene of the pilot certificate inspection.

Finding 1: OAM Has Increased Capability

OAM found that direct involvement is preferable to relying on other law enforcement partners when conducting pilot certificate inspections. OAM is currently repositioning assets in order to increase the likelihood it can use its own personnel and assets to conduct

pilot certificate inspections. OAM personnel are specifically trained in detecting anomalous aviation activities and understanding civil liberties as applied to aviation.

Finding 2: OAM Has Improved Communication and Training

OAM branches continued to strengthen their pre-existing relationships with state and local law enforcement, enabling better communication. This allows OAM to rely on state and local partners for support when it cannot be on scene due to resource constraints.

OAM found that continued refinement of training, procedures, and practices for OAM agents and officers led to better communication with partner agencies. Agents and officers received additional training on communicating aviation regulations and other guidance to state and local law enforcement, and OAM has briefed several partners on these regulations.

Recommendation: OAM Should Brief Federal, State, and Local Law Enforcement Partners

OAM should brief more federal, state, and local partners on aviation regulations to supplement any existing training, and continue training its personnel on best practices for communication. Further, OAM should continue strengthening relationships between branches and their partners.

Initiative: Operation SKY PRO and Increased Collaboration with Partners

OAM saw the need to augment existing communication with law enforcement partners, and established Operation SKY PRO in March 2014.

Operation SKY PRO is an initiative designed to foster positive relationships and interaction between the GA community and law enforcement officers, develop intelligence on international and domestic smuggling activities, and use the AMOC's capabilities to identify potential air smuggling threats and support partner agencies throughout the nation.

Operational support and collaboration efforts include: OAM, U.S. Immigration and Customs Enforcement (Homeland Security Investigations, Border Enforcement Security Task Force [BEST]), FAA, and state, local, and tribal law enforcement agencies. Through Operation SKY PRO, OAM is able to enhance agent response and awareness and improve the interaction between law enforcement and the GA community, by providing training and information on smuggling activities to agencies less familiar with aviation operations.

Initiative: Training

OAM's Training, Safety and Standards (TSS) directorate piloted a training plan which focuses on teaching aviation regulations and pilot certificate inspection protocols to federal,

state, and local law enforcement. TSS is currently preparing the plan for launch to all OAM field locations.

3. *Internal Basic and Recurring Training*

During its review of its pilot certificate inspection process, OAM placed significant attention on its training programs, including standards, syllabus, and teaching. OAM determined that several aspects of basic and recurring training required improvement. Law enforcement agents and officers attend the Air and Marine Basic Training Academy (AMBTA) at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia, where they learn the laws, policies, and authorities that frame the Department of Homeland Security and OAM mandate to conduct pilot certificate inspections.

OAM also reviewed the AMOC's recurrent training and procedures for coordinating pilot certificate inspections. Recurrent training includes Tactical Team Member (TTM) training and the Tactical and Technical Training Course (TTC), which focuses on training supervisors.

Finding 1: OAM Should Include More Scenario-based Training

OAM found that AMBTA classroom curriculum and training at FLETC were satisfactory; however, the AMBTA did not provide an adequate variety of pilot certificate inspection scenarios, and concentrated disproportionately on criminal scenarios.

Finding 2: OAM Should Focus on Additional Training

The working group found that while OAM law enforcement officers and agents are trained specifically to enforce laws pertaining to aviation-related violations, state and local law enforcement officers do not typically possess this skill set. In order to effectively mentor personnel from partner agencies, OAM agents must continually sharpen their familiarity with all applicable laws, policies and techniques.

Recommendation: OAM Should Include More Scenario-based Training

While it is essential to train OAM agents and officers to handle high-risk situations it is also necessary to emphasize most encounters are low-threat, and modulate our response accordingly. OAM should add more scenarios and provide a variety.

Recommendation: Conduct Formal Training Sessions

Agents and officers have been instructed to review all laws, regulations, policies, and procedures through formal training sessions at their respective units as well as independent review on a regular basis.

Initiative: Communications Protocols

AMOC modified its communications protocol and agents and officers now provide more careful and specific guidance on authorities when communicating with non-OAM federal, state, and local partners during aviation-related enforcement operations.

Initiative: Guidance Review and Coordination Procedures

OAM directed all personnel to review applicable policies and procedures and ensure proper coordination of all certificate inspection operations with the AMOC and Federal Aviation Administration's Law Enforcement Assistance Program (LEAP).

Initiative: Recurring Training

Agents and officers will receive, on a recurring basis, 5-day Survival and Tactics Aviation Recurrent (STAR) training at the National Air Training Center, which will include legal refresher on aviation regulations and scenario-based training. STAR training will also refresh information initially provided in the AMBTA training.

Initiative: Curriculum Update

As a result, OAM has modified AMBTA, TTM, and TTC to include more scenarios depicting low-risk encounters with GA pilots. TTC, in particular, now includes scenarios designed to improve awareness among OAM supervisors of the correct methods for overseeing pilot certificate inspections.

4. *Policies, Practices, and Procedures*

OAM continuously solicits and utilizes feedback from stakeholders, to include the GA community, congressional offices, and non-governmental agencies representing GA interests. OAM procedures and best practices are examined regularly, and OAM continues to hone its process for tracking pilot certificate inspections and reporting accurate information. This working group examined OAM's past efforts to review and update its internal procedures. It also reviewed OAM's methods for sharing best practices and internal communication with law enforcement personnel.

Finding 1: OAM Has Updated Its Procedures for Conducting Pilot Certificate Inspections

Previous internal reviews conducted by TSS, AMOC, and other OAM law enforcement personnel identified the lack of an overarching procedure to delineate the authorities and processes involved in pilot certificate inspections. It also recognized that non-OAM law enforcement incorrectly associated pilot certificate inspections with ramp checks. As a result of these findings, OAM issued guidance in September 2013 streamlining OAM's pilot certificate inspection process. This procedure included consolidated best practices for conducting inspections, a checklist for agents, and a mandate for OAM agents and officers to communicate with partner agencies and programs, including the FAA LEAP, when appropriate.

The top-down review found that the guidance issued as a result of the previous internal efforts sufficiently clarified disparities in authorities, protocols, and processes for conducting inspections.

Recommendation: Review Existing Guidance

OAM should continue to review its policies, procedures, and best practices and identify any areas of improvement.

Initiative: New Strategy, Policy, and Communications Division

OAM launched a new Strategy, Policy, and Communications (SPC) division in August 2014. This division consolidates several duties and responsibilities which were previously in disparate divisions. One of the SPC division's primary responsibilities is collaborating with OAM subject matter experts in law enforcement to compose and lead periodic review of OAM internal procedures.

Initiative: Improved AMOC Research and Tracking

AMOC maintains tracking of pilot certificate inspections and conducts thorough research before deciding to initiate a law enforcement response; accordingly the AMOC reports information on pilot certificate inspections to OAM Headquarters on a quarterly basis.

Finding: OAM Has Improved Internal Guidance for Reaching External Audiences

OAM leadership has made communication of authority and intent a top priority. Leadership is invested in facilitating discussion and improving OAM's ability to reach the public. This begins with improving internal guidance and discussion throughout the organization.

Recommendation: Continue to Improve Internal Communications

Continue providing a variety of methods for discussing and generating feedback from agents and officers. Continue to develop a robust and widespread internal communications program to distribute information which will help agents and officers interact with the public.

Initiative: Ongoing Field Interaction

OAM has hosted field town hall meetings and conducted surveys to collect feedback. It has also established an internal blog and released procedures, a memorandum of intent, and field communique.

5. *External Communication and Public Outreach*

CBP has responded to more than 20 letters from Congress written on behalf of concerned constituents and briefed congressional staff members from multiple offices and committee staff for the Borders and Maritime Security Subcommittee. CBP applied the congressional feedback from these efforts to focus its review process.

OAM understands the need to build and maintain healthy relationships with the GA community and partner law enforcement agencies. To that end, OAM is actively working to improve its outreach to both of those groups. In accordance with congressional guidance and in furtherance of meeting objectives to enhance public relations, OAM had a robust presence at the 2014 EAA AirVenture in Oshkosh, Wisconsin. OAM personnel provided interactive programs that engaged, informed, and educated attendees. They also discussed OAM's mission and their efforts to ensure minimal impact on the flying public.

Finding: OAM Should Improve Communications with the GA Community

During its review, CBP identified a significant number of complaints that implied searches had been executed without a warrant, without probable cause, and without consent.

Recommendation: Enhance Communication with GA Community

Develop a more robust method of communicating goals, objectives, authorities, etc. to the general aviation community, and implement consent form using a pilot program.

Initiative: OAM Outreach

In addition to EAA AirVenture, OAM personnel will also engage the GA community through attendance at other forums such as FAA Safety Team events. CBP developed a public information pamphlet to explain the purpose of pilot certificate inspections and the authority for OAM to conduct them. The pamphlet also explains that authority to inspect a pilot's certificate is not authority to search his or her aircraft, what a pilot should expect from a certificate inspection, and how to provide feedback on his or her experience. This pamphlet debuted at EAA AirVenture, and OAM will continue to provide this pamphlet at other outreach events. Additionally, OAM intends to provide this pamphlet to all pilots and passengers OAM agents and officers encounter.

Initiative: Consent Form

CBP is developing a consent to search form which will make obvious to all parties the request to search and the acceptance or rejection of that request.

Initiative: Asset Redeployment Pilot Program

OAM will conduct a 30-day pilot program in which it will redeploy assets and position specifically-identified crews and aircraft for SKYLANE operations, decreasing dependence on state and local partners.

VIII. Conclusion

OAM focused on five specific areas during its review:

1. The efficacy of Operation SKYLANE.
2. Law enforcement response and partner communication.
3. Internal basic and recurring training.
4. Policies, practices, and procedures.
5. External communication and public outreach.

OAM discovered opportunities for improvement; through the review process and the creation of this document many of the issues have either been addressed or are in the process of being addressed. Specifically:

1. OAM has increased effectiveness and accountability by requiring agents and officers to log all contacts with the GA community. This led to better research during Operation SKYLANE and decreased the likelihood of unwarranted repeat encounters with GA pilots.
2. OAM has increased its capability to use its own personnel and assets to conduct pilot certificate inspections, increasing the likelihood that GA pilots interact with agents and officers most qualified to conduct pilot certificate inspections.
3. OAM has improved communication and training. Refining current training, procedures, and practices led to better communication with partners and strengthened pre-existing relationships.
4. While OAM's basic training classroom curriculum was satisfactory, both basic and recurring training disproportionately focused on criminal scenarios, and did not provide an adequate variety of pilot certificate inspection situations. In addition, OAM's recurring training should place additional focus on law, regulation, policy and procedures.
5. OAM has updated current procedures and improved internal guidance for reaching external audiences, which emphasizes communicating with the GA community as a top priority.
6. OAM is taking steps to improve communications with the GA community by producing materials to give to the public at outreach events and during pilot certificate inspections.

Implementing Changes

OAM will continue its efforts to better coordinate domestic GA law enforcement operations and will continue process improvements identified by this review. OAM will monitor the impact of the changes instituted as a result of this review and, as appropriate, make future recommendations to address emerging issues.

While in the course of this review OAM did identify areas in need of improvement, the review also found that OAM's efforts to identify and interdict domestic air smuggling operations have been successful overall and are valuable to the government's efforts to secure the National Airspace System.

How to Contact OAM

Information from GA pilots is critical to OAM maintaining awareness of potential violations and criminal activity. OAM's agents encourage pilots to report any anomalous activity to the AMOC via CBP's AIRBUST phone line (1-866-AIRBUST).

Appendix 1: Authorities and References

CBP authorities are outlined in numerous national level directives/strategies/federal statutes:

National Strategy for Aviation Security

An overarching national strategy was necessary to optimize the coordination and integration of government-wide aviation security efforts. The strategy sets forth United States government agency roles and responsibilities; establishes planning and operations coordination requirements; and builds on current strategies, tools, and resources.

National Security Presidential Directive 47 (NSPD-47)/Homeland Security Presidential Directive 16 (HSPD-16):

Details a strategic vision for aviation security while recognizing ongoing efforts, and directs the production of a NSAS and supporting plans. The supporting plans address the following areas: aviation transportation system security, aviation operational threat response, aviation transportation system recovery, air domain surveillance and intelligence integration, domestic outreach, and international outreach.

- National Strategy for Aviation Security

Aviation Operational Threat Response Plan

This plan ensures a comprehensive and coordinated United States government response to air threats against the United States or its interests. The development of this plan was led by the Secretary of Defense and the Attorney General.

“Acting through [U.S.] Customs and Border Protection (CBP), conducting aviation law enforcement operations, including detecting, identifying, and interdicting potential air threats to national security, as well as investigative case support for prosecution of criminal law violations within its jurisdiction.” – Aviation Operational Threat Response Plan, page 7

Air Domain Surveillance and Intelligence Integration Plan

In order to have effective knowledge of the threat to the United States and its interests in the Air Domain, the United States government must have a plan to coordinate requirements, priorities, and implementation of national air surveillance resources and the means to share this information with appropriate stakeholders. The ADSII supports an enhanced surveillance capability to detect and deter threats that could lead to an attack on the U.S. aviation transportation system. The development of this plan was led by the Secretary of Defense and the Director of National Intelligence.

“CBP is responsible for detecting and identifying potential air threats to the United States, including aircraft involved in the aerial transit of contraband into the United States. The core of CBP’s Air Domain awareness architecture consists of [OAM’s Air

and Marine Operations Center and fleet of] specially equipped airborne platforms, which fuse a variety of sensor systems and databases to produce a single, integrated air picture.”
– Air Domain Surveillance and Intelligence Integration Plan, page 11

Federal Law

14 CFR. § 61.3 Requirement for certificates, ratings, and authorizations

“(1) Inspection of certificate. Each person who holds an airman certificate, medical certificate, authorization, or license required by this part must present it and their photo identification as described in paragraph (a)(2) of this section for inspection upon a request from:

- (1) The Administrator;
- (2) An authorized representative of the National Transportation Safety Board;
- (3) Any Federal, State, or local law enforcement officer; or
- (4) An authorized representative of the Transportation Security Administration.”

- 14 CFR. § 61.3 Requirement for certificates, ratings, and authorizations, page 394

14 CFR. § 91.203 Civil aircraft: Certifications required

“(a) Except as provided in § 91.715, no person may operate a civil aircraft unless it has within it the following:

- (1) An appropriate and current airworthiness certificate. Each U.S. airworthiness certificate used to comply with this subparagraph (except a special flight permit, a copy of the applicable operations specifications issued under § 21.197(c) of this chapter, appropriate sections of the air carrier manual required by parts 121 and 135 of this chapter containing that portion of the operations specifications issued under § 21.197(c), or an authorization under § 91.611) must have on it the registration number assigned to the aircraft under part 47 of this chapter. However, the airworthiness certificate need not have on it an assigned special identification number before 10 days after that number is first affixed to the aircraft. A revised airworthiness certificate having on it an assigned special identification number that has been affixed to an aircraft may only be obtained upon application to an FAA Flight Standards district office.
- (2) An effective U.S. registration certificate issued to its owner or, for operation within the United States, the second copy of the Aircraft registration Application

as provided for in § 47.31(c), or a registration certification issued under the laws of a foreign country.

(b) No person may operate a civil aircraft unless the airworthiness certificate required by paragraph (a) of this section or a special flight authorization issued under § 91.715 is displayed at the cabin or cockpit entrance so that it is legible to passengers or crew.

(c) No person may operate an aircraft with a fuel tank installed within the passenger compartment or a baggage compartment unless the installation was accomplished pursuant to part 43 of this chapter, and a copy of FAA Form 337 authorizing that installation is on board the aircraft.” - 14 CFR. § 91.203 Civil aircraft: Certifications required, page 731.

49 U.S.C. § 44103(d) Registration of aircraft

“(d) Certificates Available for Inspection.—An operator of an aircraft shall make available for inspection a certificate of registration for the aircraft when requested by a United States Government, State, or local law enforcement officer.” – 49 U.S.C. § 44103(d) Registration of aircraft, page 845

Appendix 2: FY 2014 SKYLANE Significant Events

Below are brief summaries of some of the violations which occurred in the first two quarters of FY 2014 (October 2013 to March 2014). Some events are not included, as they are currently in or pending criminal proceedings.

1. Louisiana (2013)

AMOC detected an aircraft departing an airport in South Texas, tracked it to landing in Louisiana, and coordinated with an Air Interdiction Agent (AIA) at New Orleans Air and Marine Branch (assigned to the New Orleans BEST), to conduct a pilot certificate inspection. The AIA obtained consent to search and discovered 71.8 pounds of cocaine aboard the aircraft.



2. Missouri (2013)

AMOC detected an aircraft departing an airport in Arizona, tracked it to a fuel stop in Kansas, and then to an airport in Missouri, where the San Angelo Air Unit conducted a pilot certificate inspection. The pilot refused the consent to search; after a positive K-9 alert, OAM obtained a warrant. The search yielded 202 pounds of high grade hydroponic marijuana. The Bureau of Alcohol, Tobacco, Firearms and Explosives also obtained a warrant to search the pilot's residence, which resulted in the seizure of a large amount of cash and multiple firearms.

3. Utah (2013)

AMOC detected an aircraft approximately 28 miles northeast of Garberville, California, heading eastbound. AMOC tracked the aircraft to an airport in Utah. AMOC contacted the Uintah Sheriff's Office to conduct a pilot certificate inspection. After the Uintah Sheriff's Office reported a positive alert from a K-9 unit and obtained a search warrant, law enforcement officers discovered 180 pounds of marijuana.



4. Illinois (2013)

AMOC detected an aircraft 15 miles southwest of Winslow, Arizona, and tracked it to landing in Kansas. AMOC identified the aircraft and pilot via the Fixed Base Operator (FBO) at that location. According to checks, the pilot did not possess a valid pilot's license. AMOC detected the aircraft depart the airport (confirmed through FBO) and tracked it to landing in Illinois. AMOC coordinated with Illinois State Police, which dispatched a unit (with K-9) to Peoria.



After K-9 alerted on the aircraft, law enforcement officers obtained a search warrant. Search resulted in 70 pounds of hydroponic marijuana, and revealed the pilot was flying on a revoked pilot's license (revoked in 2002 for drug trafficking).

5. Texas (2014)

AMOC detected an aircraft 7 miles west of Casa Grande Municipal Airport, Arizona, and tracked it to landing in, Texas. AMOC contacted the FBO in Texas, who indicated the aircraft had taxied to the self-serve fuel station and provided the tail number. The FBO also indicated, though the curtains were drawn on the aircraft, that they observed "duffle bags" stacked higher than the seats. The San Angelo Air Unit diverted an OAM C-550 from patrol to land at the airport to conduct a pilot certificate inspection.



San Angelo Air Unit also requested AMOC coordinate with U.S. Border Patrol to have a K-9 present. During the inspection process, the pilot admitted to possessing contraband onboard the aircraft. The K-9 alerted, and law enforcement officers found four duffle bags containing 220 pounds of marijuana during the search.

6. East Coast (2014)

AMOC received a flight plan notification on an aircraft departing the Midwest, en route to the east coast. AMOC contacted the case agent who requested AMOC track the aircraft, and provided pilot/passenger information. The case agent requested a detailed description of passengers, which AMOC obtained via a FBO. The case agent coordinated for local law enforcement to conduct covert surveillance on the aircraft upon landing. The case agent later reported that approximately 50 pounds of cocaine and 5 pounds of methamphetamine had been seized.

