



Transportation
Security
Administration

JUL 14 2006

Mr. Edward Hasbrouck
1130 Treat Avenue
San Francisco, CA 94110

FOIA Case Number: TSA06-0755

Dear Mr. Hasbrouck:

This letter is in response to your Freedom of Information Act (FOIA) request dated June 20, 2006, in which you requested all documents pertaining to an incident at Dulles International Airport on or about May 14, 2006.

We have processed your request under the FOIA, 5 U.S.C. § 552. A search within the Transportation Security Administration (TSA) was conducted and 10 pages responsive to your request were found. The documents have been reviewed and portions of the documents will be withheld pursuant to Exemptions 2, 3, 6, 7(C) and 7(F) of the FOIA. A detailed explanation of all applicable exemptions is provided below.

Exemption 2 of the FOIA exempts from mandatory disclosure records that are "related solely to the internal personnel rules and practices of an agency." The courts have interpreted the exemption to encompass two distinct categories of information:

- (1) internal matters of a relatively trivial nature -- often referred to as "low 2" information; and
- (2) more substantial internal matters, the disclosure of which would risk circumvention of a legal requirement -- often referred to as "high 2" information.

We have determined that certain portions of the requested records are properly withheld from disclosure as "high" (b)(2) information, in that they contain internal administrative and/or personnel matters to the extent that disclosure would risk circumvention of a regulation or statute or impede the effectiveness of law enforcement activities. A more detailed explanation follows.

Sensitive materials are exempt from disclosure under "high" 2 when the requested document is predominantly internal, and disclosure significantly risks circumvention of a regulation or statute, including civil enforcement and regulatory matters. Whether there is any public interest in disclosure is legally irrelevant. Rather, the concern under "high" 2 is that a FOIA disclosure should not benefit those attempting to violate the law and avoid detection.

Portions of the requested records are considered Sensitive Security Information (SSI) and are exempt from disclosure under Exemption 3 of the FOIA. Exemption 3 permits the withholding of records specifically exempted from disclosure by another Federal statute. Section 114(s) of title 49, United States Code, exempts from disclosure of Sensitive Security Information that “would be detrimental to the security of transportation” if disclosed. The TSA regulations implementing Section 114(s) are found in 49 CFR Part 1520.

Pursuant to Section 1520.5(b)(6)(i), details of any security inspection or investigation of an alleged violation of aviation or maritime transportation security requirements of Federal law that would reveal a security vulnerability, including the identity of the Federal special agent or other Federal employee who conducted the inspection or audit constitute SSI and is exempt from disclosure.

Pursuant to Section 1520.5(b)(8)(i), specific details of aviation or maritime transportation security measures, both operational and technical, whether applied directly by the Federal government or another person, including security measures or protocols recommended by the Federal government constitutes SSI and is exempt from disclosure.

Pursuant to Section 1520.5(b)(9)(i), procedures, including selection criteria and any comments, instructions, and implementing guidance pertaining thereto, for screening of persons, accessible property, checked baggage, U.S. mail, stores, and cargo, that is conducted by the Federal government or any other authorized person constitutes SSI and is exempt from disclosure.

Exemption 6 of the FOIA permits the government to withhold all identifying information that applies to a particular individual when the disclosure of such information “would constitute a clearly unwarranted invasion of personal privacy.” This requires a balancing of the public’s right to disclosure against the individual’s right to privacy. After performing this analysis, we have determined that the privacy interest in the identities of individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into the aforementioned balancing test.

Exemption 7(C) of the FOIA permits the government to withhold all law enforcement information the disclosure of which “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” Based upon the traditional recognition of strong privacy interests in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate. As such, we have determined that the privacy interest in the identities of individuals in the records you have requested clearly outweigh any minimal public interest in disclosure of the information. Please note that any private interest you may have in that information does not factor into this determination.

In reviewing the requested records, we have determined that certain information is law enforcement information about a person properly withheld under Exemption 7(F) of the FOIA, in that disclosure of information about the individual could reasonably be expected to endanger his or her life or physical safety. Please note that, unlike the personal privacy protection afforded by other exemptions of the FOIA, no public interest balancing test is required under Exemption 7(F). Indeed, information is properly withheld whenever there is a reasonable likelihood of its disclosure risking physical harm to someone.

There is no charge associated with processing this request.

Administrative appeal from this determination may be made in writing to Tamara L. Miller, Special Counselor, Office of the Special Counselor, Transportation Security Administration, 601 South 12th Street, East Building, E7-121S, Arlington, VA 22202-4220. Your appeal **must be submitted within 60 days** from the date of this determination. It should contain your FOIA request number and state, to the extent possible, the reasons why you believe the initial determination should be reversed. In addition, the envelope in which the appeal is mailed in should be prominently marked "FOIA Appeal." The Special Counselor's determination will be administratively final. If you have any questions pertaining to your request, please feel free to contact the FOIA Office at 1-866-364-2872 or locally at 571-227-2300.

Sincerely,

A handwritten signature in black ink, appearing to read "Catrina M. Pavlik". The signature is fluid and cursive, with a large initial "C" and "P".

Catrina M. Pavlik

FOIA Officer

Freedom of Information Act

And Privacy Act Office

Enclosure

Print Incident

General Information

Tracking Number INC2006IAD0476
 Incident Date 05/14/2006
 Incident Time 1900
 Incident Type Unruly Passenger
 Port IAD-Washington-Dulles International
 Occurred At Checkpoint Yes
 Checkpoint East Checkpoint
 Location Passenger and Carry-on Screening Location
 TSO Watch Notified? No

Individuals Notified	Date Notified	Time Notified	Delivery Method
MWAA Police dispatch	05/14/2006	1908	Telephone
TSA Dulles ICC	05/14/2006	1908	Telephone

Recorded By [REDACTED]
 Reported By [REDACTED] } b2, b7F

Additional Information

Primary Carrier Involved United Airlines, Inc.
 Secondary Carrier Involved
 Indirect Carrier Involved
 Flight Delay No
 # of Flights
 Length of Delay (Cumulative)
 Terminal Evacuated No
 Media Attention No
 Canine Team Utilized No
 Specify Department
 Direct/Connect Flight Direct
 On Board Location
 FAM Intervention No
 Passenger Traveling Alone Yes
 Number of Unruly Passengers 1
 Time Passenger has been Traveling 0

Flight Status

Flight Type Domestic
 Originating Port IAD-Washington-Dulles International
 Scheduled Destination TPA-Tampa International
 Actual Destination TPA-Tampa International

Subject Information

Subject Name	Arrested	Cause Of Arrest	Charges Files
Hasbrouck, Edward John	No		No

Narrative Information

Incident Details

Edward J. Hasbrouck, Male, DOB [REDACTED], attempted to bypass the airport security ID check and enter the TSA checkpoint for screening. [REDACTED] stopped HASBROUCK and explained the process of comparing the boarding pass with the passengers ID prior to his entering the TSA checkpoint. HASBROUCK ignored [REDACTED] and attempted to enter the checkpoint again. LEO's responded and questioned HASBROUCK who said he questioned the airport representatives authority to compare his ID and boarding pass. HASBROUCK allowed his boarding pass and ID to be compared and was then allowed to enter the checkpoint without any further incidents. An NCIC report was conducted and it was found that HASBROUCK had been arrested for a similar incident. No flight delays were incurred.

Disposition

HASBROUCK did allow his ID and boarding pass to be compared, and was then allowed to continue on to his flight without any further incidents.

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b7F

Status

Current State

Submitted For Review

Created By

[REDACTED] 05/14/2006 2103

Last Modified By

[REDACTED] 05/14/2006 2103

Status: Submitted For Review

Name: [REDACTED] **Date:** 05/14/2006 2103

WARNING: THIS DOCUMENT CONTAINS SENSITIVE SECURITY INFORMATION THAT IS CONTROLLED UNDER THE PROVISIONS OF 49 CFR PART 1520. NO PART OF THIS DOCUMENT MAY BE RELEASED WITHOUT THE WRITTEN PERMISSION OF THE UNDER SECRETARY OF TRANSPORTATION FOR SECURITY, WASHINGTON, DC 20591. UNAUTHORIZED RELEASE MAY RESULT IN CIVIL PENALTY OR OTHER ACTION. FOR U.S. GOVERNMENT AGENCIES, PUBLIC AVAILABILITY TO BE DETERMINED UNDER 5 U.S.C. 552.

Shift Supervisor Incident Report Package Checklist

1. Required documentation for a complete Incident Report Package:

- Incident Report
- Copy of Page with journal entries involving incident
- Notification Checklist
- Skytel Pager receipt
- 2 Copies of PARIS report (One of which will be attached to the ASI Report)
- Shift Supervisor Incident Report Package Checklist

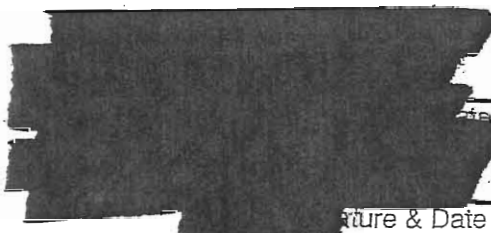
2. Review the package for the following:

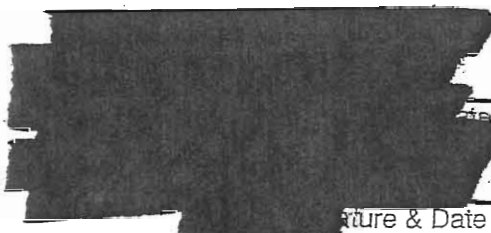
- PARIS Report is in the proper format
- Incident Report is complete with statements
- Notification Checklist is utilized and complete
- Grammatical / Spelling errors
- TSOC notified within the 10-15 minute time limit
- WebEOC language guide utilized
- AVO-400.18.1-1B was followed
- PARIS Report # INC 2006 IAD 0476

3. The Shift Supervisor is responsible for following up to ensure that all required documentation is included in the package prior to being filed.

4. Supervisor's Comments: _____

5. I have reviewed this Incident Report Package and certify that the package is complete and correct to the best of my knowledge.

Watch Officer:  5-14-06

Supervisor:  5/18/06

Signature & Date

b2,
b7F



INCIDENT REPORT

PAGE 1

Washington Dulles International Airport

1. Incident Code/Description: **2AVC 2006JAD1471** 2. Report Number (Call ICC for R#): 0516-05-06
 Code 3- Unruly/Disorderly Passenger

3. Date Occurred: 05/14/2006 4. Time Incident Occurred (24 Hour time only): Start: 1900 End: 1920 5. Date/Time Reported (if Different): Same

6. Location of Incident: Lane 22

Victim (V) / Complainant (C) / Subject (S) Information (Check category)

* Submit additional pages to complete items 7 thru 18 for each individual reported.

7. V/C/S Name: Hasbrouck, Edward J. 8. V/C/S Type (PAX, Employee, etc.): PAX 9. Selectee Y/N? [Redacted]

10. V/C/S Address (Street, City, State, Zip): 1130 Treat Ave San Francisco, CA 94110

11. Home Phone: [Redacted] 12. Work Phone: N/A 13. Cell Phone: N/A 14. Gender (M or F): Male

15. V/C/S ID type: Tourist Passport 15a. V/C/S ID Number: [Redacted] 15b. ID Issuing state/country: United States of America 16. V/C/S Date/Place of Birth: [Redacted]

17. Flight Information: Carrier: United Flight #: 223 Dest Code: San Francisco Dep. Time: 1945 Arriv. Time: N/A Seat #: 14F 18. Comments:

18. ASI Name: [Redacted] 20. M/WAA Officer Name: [Redacted] and Officer [Redacted] 21. Fire/Rescue Name: *Other responding- Use second page

22. Brief Description of Incident **NOTE: If description of incident exceeds space below continue on second page.**

On 05/14/2006 at approximately 1900 on Lane 22, I responded to a supervisor call on the public side of the checkpoint. United Passenger Edward J. Hasbrouck was questioning AirServe's authority to check his boarding pass and ID. I explained to the passenger that AirServe was contracted through the airline to perform this function and if he refused to allow them to verify his boarding pass and his ID I would not be able to allow him to enter the checkpoint. The passenger became increasingly upset and kept attempting to bypass AirServe and to begin divesting. I called Screening Manager [Redacted] at approximately 1905. When [Redacted] arrived he spoke to the passenger about the process and the passenger continued to question the authority of AirServe verifying his information. [Redacted] called ICC to report the [Redacted] and requested MWAA at 1908. The passenger did finally allow AirServe to verify his information. MWAA Officers [Redacted] and [Redacted] arrived on the Lane at approximately 1912. They questioned the passenger and ran an NCIC report. The NCIC report reflected that the passenger had been arrested previously for similar reasons. The passenger was issued a verbal warning and allowed to proceed.

62, 63 1520.5(b)(6)
 1520.5(b)(8)
 1520.5(b)(9)

b2
 b7
 b6
 b7

* Do NOT type beyond what the above cell will hold! If needed continue on second page.

23. Incident Timeline:

Time	Action
1900	I respond to a supervisor call on the public side of Lane 22.
1901	I speak to passenger who refuses to allow AirServe to verify his boarding pass and ID.
1905	I call screening Manager [Redacted] to the Lane.
1908	[Redacted] calls ICC to report [Redacted] and request MWAA.
1912	MWAA Officers [Redacted] and [Redacted] arrive on the lane. NCIC report is run.
1915	Passenger enters the checkpoint and [Redacted]
1918	[Redacted] and [Redacted] conduct the additional screening of the individual and his property.
1919	Passenger is cleared for travel.
1920	I call ICC to report the [Redacted] is now [Redacted]

* If further explanation is necessary please note the item field # and continue on second page.

24. Name of Supervisor Completing Report: [Redacted] 25. Signature & Date: [Redacted] 05/14/2006

26. Name of Manager Reviewing Report: [Redacted] 05/14/2006

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Transportation Security Administration

INCIDENT REPORT

PAGE 2

Item # 22

Upon entering the checkpoint, the passenger [redacted] and TSO [redacted] conducted the screening of the passenger and his accessible property. Once the passenger and his items were cleared, the passenger was free to travel. I called ICC at 1920 to report the [redacted] is now [redacted]

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1520.5(b)(6i)
1520.5(b)(8i)
1520.5(b)(9i)

REPORT # 0516-05-016

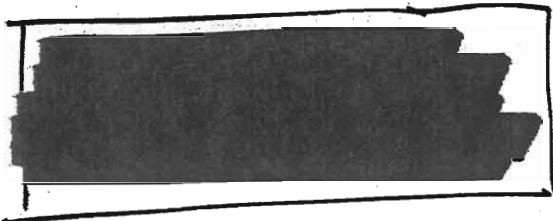
Item #

Item #

Item #

Date:	05/14/06	Time:	1900-1920	Case #:	0516-05-06
Incident Type, Code/Tier level:	Unruly Passenger				
Where:	Lane 22				
Passenger Involved:	Edward J. Hasbrouck, Male, DOB [REDACTED] Home Phone [REDACTED] US Passport [REDACTED] 1130 Treat Ave. San Francisco, CA				
TSA Involved:	SM [REDACTED] TSA/IAD SPOT Team, STSO [REDACTED]				
Description of Incident:	Time	Watch Officer	Caller - In	Caller - Out	Narrative
	1900	[REDACTED]	SM [REDACTED]	[REDACTED]	Reported at [REDACTED] - Unruly Passenger in the queue outside of Lane 22 and requested MWAA PD.
	1901	[REDACTED]	[REDACTED]	MWAA PD Dispatcher [REDACTED]	Requested an officer respond to the queue outside of Lane 22 for an unruly passenger.
	1903	[REDACTED]	[REDACTED]	Page [REDACTED]	TSA/IAD Senior Staff re: Notification Page for [REDACTED] Unruly Passenger outside of Lane 22.
	1908	[REDACTED]	STSO [REDACTED]	[REDACTED]	Reported that the [REDACTED] Unruly Passenger is now [REDACTED] the passenger was screened [REDACTED] and then allowed to continue on his flight.
1912	[REDACTED]	[REDACTED]	Page [REDACTED]	TSA/IAD Senior Staff re: [REDACTED] Unruly Passenger is now [REDACTED] the passenger was screened [REDACTED] and then allowed to continue on his flight.	
Notifications:	MWAA PD Dispatch [REDACTED] TSA/IAD Senior Staff [REDACTED]				
How resolved?	Passenger screened [REDACTED] and then cleared to continue on their flight.				
Report Status:	Received [REDACTED] PARIS Report No: INC2006IAD0476				
ICC Officer:	[REDACTED]				

b2, b7F b6, b7C
b3, 1520.5(b)(6)
1520.5(b)(8)
1520.5(b)(9)



(Unruly/Disorderly Passenger)

DATE: 05/14/2006

INCIDENT #: 0516-05-06

PARIS #: INC2006IAD0476

Time Watch Officer

- MWAA PD.....2 [redacted]
- AFSD-LE.....202-306-[redacted]
- SKYTEL Page.....[redacted] Addressees
- TSA IAD Compliance.....ASI on Duty

b2

19:01 [redacted]

[] []

19:03 [redacted]

[] []

b2, b7F

WHEN INCIDENT IS CLOSED

- Send SKYTEL page to [redacted] Addressees giving resolution

19:27 [redacted]

b2, b3
1520.5(b)(6i)
1520.5(b)(8i)

icc, Dulles

From: [REDACTED] b2
Sent: Sunday, May 14, 2006 7:03 PM
To: icc, Dulles
Subject: Skytel Personal Messaging email Message

[REDACTED] - Unruly Passenger: SM [REDACTED] reports an unruly passenger in the queue outside of
lane 22. MWAA PD responding. ICC [REDACTED].

b2/
b7F

b2, b3

1520.5(b)(6i)

1520.5(b)(8i)

Icc, Dulles

From: [REDACTED] b2
Sent: Sunday, May 14, 2006 7:27 PM
To: Icc, Dulles
Subject: Skytel Personal Messaging email Message

[REDACTED] Unruly passenger is now a [REDACTED], Passenger was allowed to continue to fly. [REDACTED] handled the screening of the passenger. ICC [REDACTED]

b2, b7F

b2, b3

1520.5(b)(6i)

1520.5(b)(8i)