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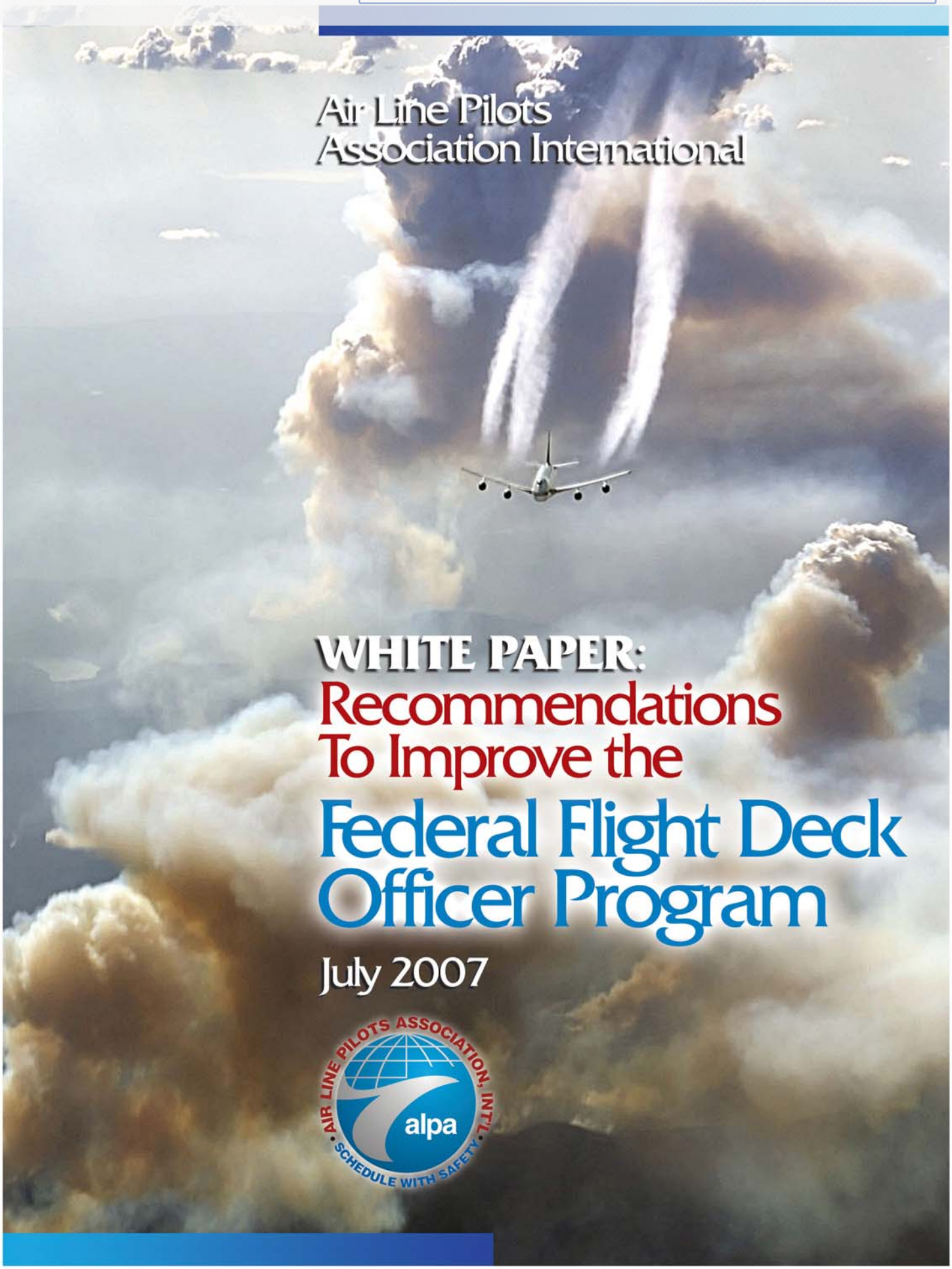

Air Line Pilots Association International

WHITE PAPER: Recommendations To Improve the Federal Flight Deck Officer Program

July 2007

AIR LINE PILOTS ASSOCIATION, INT'L • SCHEDULE WITH SAFETY • alpa

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ALPA WHITE PAPER

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

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Recommendations to Improve the Federal Flight Deck Officer Program

ALPA was the first organization to call for the creation of the Federal Flight Deck Officer (FFDO) program, which became a reality when the Arming Pilots Against Terrorism Act (APATA) was enacted as part of the Homeland Security Act of 2002.

The Air Line Pilots Association, International (ALPA), founded in 1931, represents the safety and security interests of 60,000 pilots who fly for 41 U.S. and Canadian domestic and international passenger and all-cargo airlines. Based on our considerable experience and vested interest in airline safety and security, we offer our views regarding the Federal Flight Deck Officer program. To learn more about ALPA, visit the Association's website, www.alpa.org.

Executive Summary

To ensure the Federal Flight Deck Officer (FFDO) program's continued viability, several of its key components need to be improved, particularly in the areas of transporting and carrying weapons in domestic and international airline operations, jurisdictional authority, pilots' leave and personal expenses for training, communications and support of field-deployed FFDOs, and requalification and recurrent training.

ALPA is committed to continuing to provide its expertise to the Transportation Security Administration (TSA), the Federal Air Marshal Service (FAMS), and Congress to ensure the safest, most prudent, and most efficient implementation of the FFDO program.

While several of the 12 specific areas in which ALPA believes the FFDO program needs improvement can be resolved by the airline industry and other stakeholders (including ALPA), others may require congressional involvement (see BOX, page 2).

A solid program

ALPA was the first organization to call for creation of the Federal Flight Deck Officer (FFDO) program, which became a reality when the Arming Pilots Against Terrorism Act (APATA) was enacted as part of the Homeland Security Act of 2002.

The first class of 44 federal flight deck officers graduated from training in April 2003. Since then, thousands of airline pilots have been trained and deputized as FFDOs. Because the majority of these federal law enforcement officers are ALPA members, the Association has a vested interest in the integrity and viability of the program and remains engaged in a close working relationship with the TSA and the FAMS to ensure the program's continued success.

Because of initial government and industry uncertainties about how effective and reliable the program would be, it was deployed in an extremely cautious manner, at times in conflict with recommendations made by aviation security and law enforcement experts. Examples of this restrictive approach can be found in the initial weapons transport and carriage protocols, the language of the original credentials and the decision not to issue a metallic badge to FFDOs.

As we note the passing of the program's four-year anniversary, its reliability,

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Federal Flight Deck Officer Program

ALPA recommends that Congress legislate to enhance the FFDO program and include these priorities:

- Improve procedures for transporting and carrying the assigned FFDO weapon to, from, and within the aviation environment to ensure security of the weapon, maximize safety margins, and accomplish the FFDO mission.
- Clarify congressional intent with respect to the FFDO mission to protect the flight deck, particularly with respect to FFDO presence in the cabin of passenger airliners while deadheading, commuting, or traveling for FFDO training.
- Clarify FFDO personal/professional liability issues and protections.
- Ensure FFDO leave for training, similar to military leave, to facilitate and maximize pilot participation.
- Improve field support and management of FFDOs, to include dissemination of intelligence and peer-to-peer communications.
- Define the FFDO internal affairs/disciplinary process.
- Ensure that FFDOs are reimbursed for costs associated with training, including travel, lodging, and per diem.

The Association is committed to continuing to provide its expertise to the TSA, the FAMS, and the U.S. Congress to ensure the safest, most prudent, and most efficient implementation of the FFDO program.

as well as that of the pilots who compose its ranks, has been clearly demonstrated. Initial skepticism has given way to praise and recognition. Federal law enforcement trainers consistently laud the abilities and the attitudes of the pilot volunteers. The TSA often cites the FFDO program as a key component in the layered approach to aviation security. Through it, the United States has gained great benefit from the dedication of airline pilots who are willing to make significant personal sacrifices to provide security for a critical component of the nation's infrastructure.

ALPA appreciates the TSA's significant efforts to develop and deploy the FFDO program and the contributions of the FAMS in maintaining it. ALPA applauds Congress for its vision in recognizing the need for, and the benefits of, the program and for passing the legislation that mandated its creation. The Association is grateful for the opportunity to have worked hand-in-hand with congressional leaders on this most important initiative and is prepared to do so again to advocate for and consult on needed legislative improvements to the program.

From the outset, ALPA emphasized that the FFDO program must be an initiative that selects, trains, and deputizes qualified candidates chosen from the airline pilot population. Dedication to these objectives was critical to success in obtaining congressional approval. Furthermore, increasing the number of FFDOs, while significant for the program's effectiveness, is not the only objective. The quality of the candidate-selection process, basic and recurrent training curricula, equipment, management, and operating procedures are also key ingredients of a successful program.

Because ALPA is convinced that the FFDO program provides significant deterrence against future hijacking attempts, the Association will continue to advocate for improvements and strongly oppose any effort to undo the program's success.

Following are our specific recommendations on ways in which the FFDO program should be improved:

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Transporting and Carrying Weapons

ALPA believes that the U.S. Congress should mandate that within 90 days after passing enabling legislation, the TSA must develop and begin phased deployment of an FFDO weapons carriage program that incorporates a protocol for personal carriage while in transit to, from or within the aviation domain.

Current FFDO standard operating procedures (SOPs) governing the transport and carriage of weapons create the potential for significant safety and security risks within the aviation environment. Evidence of this fact can be found in statistical data collected and maintained by the TSA regarding events involving mishandled and misplaced weapons.

During the course of the TSA-industry stakeholder meetings held in January and February 2003, federal law enforcement experts recommended that FFDOs be authorized to carry their assigned weapons on their person while traveling to, from, or within the aviation domain. Statistical information supporting this recommendation, generated from Uniform Crime Reports (UCR) and an FBI internal study, was presented to the TSA. The data demonstrated that in most cases when a law enforcement officer's weapon was lost, mishandled, or stolen, it had been stored in a container and not carried on the body of the person responsible for its custody, safety, and security.

Despite the recommendations made by law enforcement experts in 2003, the TSA elected to require FFDOs to use lock boxes to transport FFDO weapons. ALPA applauds the TSA and the FAMS for having recently discontinued this protocol. However, the current transportation procedure does not improve the security of the weapon and introduces other unique safety concerns.

ALPA concurs with law enforcement and aviation security experts who recommend that FFDOs not be separated from their weapons while in transit. We consider it vital that FFDOs be further trained and authorized to carry their weapons on their person when in the aviation domain, to include when seated in the cabin of an airliner while deadheading, commuting, or on official FFDO travel. Any additional training must be developed in a fashion that accounts for the realities of pilot scheduling needs.

ALPA understands the narrowly defined mission of the FFDO. We offer these recommendations for two primary reasons: (1) to ensure the safety of service weapons and (2) to make the most prudent use of the FFDO asset as an additional layer of security. ALPA believes that Congress should mandate that within 90 days after passing enabling legislation, the TSA must develop and begin phased deployment of an FFDO weapons-carriage program that incorporates a protocol for personal carriage while in transit to, from, or within the aviation domain.

Mission clarification

SOPs must be rewritten to authorize these protocols and to clearly define the legal rights, duties, and protections afforded to FFDOs in following them.

Recent recurrent-training events clearly demonstrated that circumstances exist in which FFDOs traveling in an airliner cabin would be expected to take enforcement actions that would violate current FFDO SOPs governing use of their weapons. The potential for this shines a spotlight on such issues as FFDO mission, jurisdiction, training, and liability protections that need to be clarified.

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Because the primary mission of a flight crew is safe operation of the aircraft, ALPA agrees that no FFDO traveling on the flight deck of a passenger airliner should leave its confines to respond to a disturbance in the cabin. However, ALPA does not support the practice of prohibiting FFDOs who are deadheading, commuting, or on official travel from carrying their assigned weapons in the cabin of an airliner, or from acting to protect the flight deck against acts of terrorism under any circumstances.

ALPA recommends that Congress authorize FFDOs to carry their service weapon in airliner cabins, mandate appropriate training for this change that allows for pilot scheduling needs, and provide for the requisite accompanying liability protections. Further, ALPA believes that FFDOs should never be required to remove their weapon from their person while performing the functions of an operating flightcrew member. SOPs must be rewritten to authorize these protocols and to clearly define the legal rights, duties, and protections afforded to FFDOs in following them.

Powers and Privileges to be Granted to FFDOs

Nothing in the law or FFDO SOPs should be interpreted to prohibit an FFDO from acting reasonably to prevent an act of terrorism, or otherwise to protect life in defense of the flight deck.

Because of the limited jurisdiction and mission of FFDOs, they do not require, nor do they receive, the same amount of training as federal air marshals and other federal law enforcement agents. In view of these circumstances, ALPA recommends that existing law enforcement response protocols aboard airliners be followed, with federal air marshals maintaining primary jurisdiction over incidents requiring law enforcement intervention.

FFDOs, having been properly trained and authorized to travel armed in airliner cabins, should hold a defined place in the law enforcement response continuum, following the lead of any other duly authorized federal law enforcement agent, but with authority that supersedes that of any state or local law enforcement officer traveling on board.

Nothing in the law or FFDO SOPs should be interpreted to prohibit an FFDO from acting reasonably to prevent an act of terrorism, or otherwise to protect life in defense of the flight deck. This logic must apply whether an FFDO is an operating flightcrew member or traveling in the cabin of an airliner.

Leave for Training

Scheduling issues are negatively affecting program application rates and denying the airlines the security benefits afforded by the FFDO program.

Some pilots whom the TSA has selected to attend FFDO basic training have been unable to do so because of difficulty in obtaining approved time off from their employers. Several airlines have denied their pilots' requests for unpaid leave, use of vacation time, and scheduling accommodations. Unfortunately, these scheduling issues are negatively affecting FFDO program application rates and denying the airlines the security benefits afforded by the FFDO program.

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FFDOs provide a vital service to national security efforts that are coordinated by the Department of Homeland Security. As such, ALPA believes that, similar to the requirement placed upon employers of military reservists and members of the National Guard to grant them leave to defend the nation, airlines should be required to grant pilots time to attend FFDO basic, requalification, and recurrent training exercises. Although this leave is unpaid, it would facilitate pilots' ability to attend FFDO training and bolster this significant defensive layer in the U.S. air transportation system. Such a development will require congressional action.

Training Requirements and Locations

ALPA recommends that the TSA develop joint training exercises involving FAMs and FFDOs to facilitate an effective team approach to protecting the flight deck.

FFDO training must be conducted in a standardized, consistent fashion to provide FFDOs with the best tools, knowledge, and tactical skills needed to effectively accomplish their mission. The quality and uniformity of FFDO training are crucial factors. The training curriculum must also be readily adaptable to meet changing needs and conditions. Training updates must be easy to deploy and provided consistently.

ALPA commends the TSA for having developed and implemented an extremely effective FFDO training curriculum. Pilots graduating from FFDO basic training consistently attest to its excellence. This initial training provides FFDOs with the basic skill set necessary to perform their mission. However, for FFDOs to remain an effective force, the training program must be continually re-evaluated and updated as the threat environment evolves. Any tactic or procedure that reduces the FFDO's ability to perform his/her mission or introduces unnecessary risk must be modified or replaced and communicated.

To strengthen the FFDO program, the TSA must re-examine and improve certain key training components. Currently, basic training is supplemented by twice-a-year firearms requalification training. This component of the program must be enhanced to include a recurrent training module that offers current, in-depth tactical and intelligence training based on evolving threats. Any additional training must be consistent with and build upon the training foundation previously provided to FFDOs.

ALPA supports the concept of FFDO training sites being located where airline pilots throughout the United States can get to them easily. This goal can be accomplished by increasing the number of available training sites and strategically positioning them. While the TSA has done a relatively good job towards this end, currently no requalification sites exist in Hawaii and Alaska. FFDOs residing or based in these states must travel to the continental United States to comply with requalification requirements, usually at significant personal cost, both in terms of time and money. The TSA must correct this negative aspect of the requalification program.

ALPA has long supported the FAMS and views the FFDO program as complementary to it. Because of the commonality of certain specific mission responsibilities of FAMs and FFDOs, ALPA recommends that the TSA develop joint training exercises involving both of these federal law enforcement groups to facilitate an effective team approach to protecting the flight deck.

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Currently, the FAMS is providing FFDO recurrent training at its Atlantic City, N.J., facility. While ALPA applauds the FAMS for initiating this effort, the Association recognizes that one recurrent training site will not be sufficient. The FAMS has indicated its intention to expand this training capability to additional sites strategically located throughout the United States. To provide FFDOs with ongoing training that will ensure continued successful performance of their mission will require multiple recurrent training sites. To accomplish this goal, the FAMS will need additional funding and staffing. Congress must ensure that the FFDO program is sustained through specifically appropriated funds earmarked to provide the necessary training, professional growth and sustenance of the FFDO program.

Training Costs Incurred by FFDOs

ALPA believes that, in consideration of these personal sacrifices and the resulting benefits derived by the nation and the airline industry, the TSA should reimburse FFDOs for all reasonable costs associated with participating in this program, such as travel, food, and lodging expenses.

FFDOs frequently incur significant out-of-pocket expenses to attend basic, requalification, and recurrent training. For example, costs incurred by FFDOs for basic training vary from $300 to $500. Twice-yearly firearms requalification costs average $75 per event. The recurrent training program costs range between $400 and $800 per pilot, depending on the location of the FFDO's residence.

FFDOs are willing to volunteer their energy, time, personal finances and service to enhance the security of airline operations, the aviation industry, the traveling public, and the U.S. national infrastructure. The resulting benefits derived by the nation and the airline industry are significant. ALPA believes that, in consideration of these personal sacrifices, the TSA should reimburse FFDOs for all reasonable costs associated with participating in this programs, such as travel, food, and lodging expenses.

Support of Field-Deployed FFDOs

After graduating from basic training, an FFDO is deployed on mission status without the benefit of a field training officer or frontline supervisor to help with the FFDO's transition into the realities of the assignment and to provide ongoing support. The FFDO is merely given a TSA telephone number to call if issues arise and a protected website for routine scheduling of missions and limited information-sharing. ALPA has urged the TSA to establish a more extensive communications, management, and reporting structure.

The TSA has not been fully successful in establishing and using an automated communications mechanism for the FFDO community. E-mail generally serves as the notification medium and the normal conduit by which individual FFDOs and the TSA exchange information. The secure FFDO website, while capable of being used for multiple applications, including distance learning, is normally limited to schedule planning and infrequent, brief operational messages. The TSA has not made good use of this tool to facilitate oversight and continued professional training of the FFDO community. ALPA has offered to help the FAMS rectify this situation.

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FFDOs should be able to communicate with one another through authorized, appropriate, and secure means. They also should be able to provide peer support through a professional mechanism created in partnership with the TSA. Today, the TSA has no clearly defined crisis management response protocol to help FFDOs who become engaged in a significant security event. These enhancements would promote a healthy and viable organization.

Since October 2005, the FAMS has maintained responsibility for oversight of the FFDO program and has indicated its intent to provide more effective training, support, and management of FFDOs. Unfortunately, the FAMS has not clearly articulated its plan for accomplishing the needed reforms, defined the remedial process, or provided a timeline delineating when much-needed changes will be made. While the FAMS has certainly made progress in this regard, ALPA looks forward to fulfillment of this commitment.

Internal Affairs and Disciplinary Actions

A requirement for FFDOs to make statements that may be against their own interest without benefit of protection from civil or criminal liability is unacceptable. SOPs regarding internal investigations FFDOs must be properly defined, clearly communicated to the FFDO population, and followed. FFDOs must be afforded the same protections as are provided to other law enforcement officers.

FFDOs who become the subject of an internal investigation are not adequately informed of their rights, exposure to liability, procedural requirements, and a timeline for adjudication. Although this situation has not prevented pilots from applying to the FFDO program, it remains a cause for concern.

Experience has shown that FFDOs have been exposed to potentially significant penalties, including being fired by their airline, for seemingly insignificant violations of FFDO SOPs. Often, FFDOs receive no written statement of charges/allegations against them or information delineating the process/timeline required to adjudicate the matter. Usually, an FFDO is notified orally that he/she is under investigation and is instructed to surrender his/her credentials and weapon while the investigation proceeds. Long periods of time elapse with no communication back to the FFDO regarding his/her status or the progress of the inquiry.

TSA SOPs require FFDOs to cooperate with the internal investigation process, but FFDOs are provided no guidance regarding right to counsel, making statements against their own interest, or resulting potential exposure to civil or criminal liability. U.S. Supreme Court decisions provide a clear roadmap governing internal investigations of full-time law enforcement officers, particularly focusing on protections against self-incrimination. To date, no such protections have been afforded to FFDOs.

ALPA recognizes that FFDOs are not full-time law enforcement officers and that loss of their FFDO status as a result of an internal investigation will not normally affect their airline employment. However, a requirement for FFDOs to make potential statements against their own interest without benefit of protection from civil or criminal liability is unacceptable. SOPs regarding internal investigations of FFDOs must be properly defined, clearly communicated to the FFDO population, and followed. At a minimum, FFDOs must be afforded the same protections that are provided to other law enforcement officers.

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Because the reliable presence of FFDOs would provide a predictable layer of defense against the threat of hijacking of international flights, ALPA believes that the TSA should do everything in its power to work with the U.S. Department of State to obtain agreements with foreign governments that will allow international deployment of FFDOs.

International Deployment

Many airline trips include international segments for flight crews. Under current procedures, FFDOs are authorized to fly in mission status only on domestic routes. This policy not only makes inefficient use of valuable counterterrorism assets, it can also result in significant hardship for FFDOs and airlines. If an on-call (reserve) FFDO is assigned an international flight, he/she must find a way to secure his/her weapon at his/her domicile or refuse the trip. While a number of airports have gun storage lockers available for FFDO use, they are often fully occupied or not functional. Although the TSA has advised FFDOs that airport federal security directors (FSDs) are available to help them in such situations, this help is sporadic and unreliable.

ALPA recognizes that the greatest impediment to international deployment of FFDOs is the sovereignty of foreign nations and laws that prohibit or severely limit entry of weapons into their respective territories. Notwithstanding that fact, the reality that large, widebody airliners that fly international routes present attractive targets to terrorists cannot be ignored.

Because the reliable presence of FFDOs would provide a predictable layer of defense against the threat of hijacking of international flights, ALPA believes that the TSA should do everything in its power to work with the U.S. Department of State to obtain agreements with foreign governments that will allow international deployment of FFDOs.

Cockpit Jumpseats

FFDOs often occupy cockpit jumpseats while commuting or traveling for FFDO training purposes. Current SOPs limit their ability to deploy in mission status in such circumstances. To make more efficient use of the layer of security provided by FFDOs, ALPA recommends that SOPs be modified to permit jumpseating FFDOs to be on mission status, contingent upon the approval of the pilot in command of the flight.

Captain's Authority

The presence of any law enforcement officer, including an FFDO, on an airliner in no way supersedes the clearly established authority of the captain (i.e, pilot in command), who retains ultimate command of the flight.

Captain's authority is not diminished by the presence of armed law enforcement officers aboard the airliner. However, captain's authority does not extend to preventing a federal law enforcement officer, such as a FAM or FFDO, from exercising his/her federally mandated duties.

No legislative amendments to the FFDO program should interfere with or alter captain's authority established in law.

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Law Enforcement Officer Verification Card System

ALPA believes that LEOVCS, or an equivalent system, should be implemented as soon as practical, and that FFDOs should be screened at airport security screening checkpoints in the same fashion as other armed law enforcement officers.

ALPA was involved many years ago in the Federal Aviation Administration's development of the Law Enforcement Officer Verification Card System (LEOVCS), a program designed to positively verify the identity and employment status of all armed persons transiting airport security checkpoints. The TSA has opted against installing that system. ALPA believes that LEOVCS, or an equivalent system, should be implemented as soon as practical, and that FFDOs should be screened at checkpoints in the same fashion as other armed law enforcement officers.

Conclusion

The Association remains committed to continuing to provide its expertise to the FAMS, the TSA, and Congress to ensure the safest, most prudent, and most efficient implementation of the program possible.

The FFDO program represents an extremely valuable asset in today's layered approach to aviation security, having been heralded as one of the most effective enhancements since the events of Sept. 11, 2001. Because of it, the United States gains great benefits from the willingness of airline pilots to make significant personal sacrifices to ensure the security of a critical component of the U.S. infrastructure.

To ensure the continued viability of the growing FFDO program, the aspects of weapons carriage, jurisdictional authority, leave and expenses for training, professional development, communications, information processes, and field management must be re-examined and improved.

ALPA appreciates the significant efforts of the TSA and the Federal Air Marshal Service in developing, deploying, and managing the FFDO program. The Association remains committed to continuing to provide its expertise to the FAMS, the TSA, and Congress to ensure the safest, most prudent, and most efficient implementation of the program possible.