

*The CMPD Report was released on February 14, 2011. My overall assessment of the report is that it has no logical flow and is very difficult to interpret. The investigator often uses the terms "assumption" and "opinion" when referring to his information. The investigator makes many declarative statements about various things but rarely explain who he spoke to, how he collected the data, and his methods or rationale for his interpretations. The investigator made many statements in error likely due to his lack of understanding regarding general airport knowledge, the airport layout, airport operations, and airport security. The investigator made several recommendations on security changes. However, there was generally no clear explanation or empirical analyses as to why he made any particular recommendation. More, important, in a large portion of the report, there was very little mention of Delvonte Tisdale and no findings or conclusive evidence that described a linkage of Delvonte Tisdale to the Charlotte Douglas International Airport (CLT). The entire report is written in a very confusing manner and each section doesn't make any logical transition to the next – especially the conclusion. Furthermore, it was clear that in some cases, the investigator presented "cut and paste" information that wasn't his original work product that he failed to fully vet and understand. For example, selectively inserting portions of the TSA/FBI's joint vulnerability assessments. Lastly, and most interesting, in the first sentence of the summary section, the investigator states "*

*" This is most troubling because the Tisdale case has been depicted by CMPD's command staff and other leadership as a definitive breach of security. For example, the header of the investigation title page reads:*

Delvonte Tisdale Investigation

Security Breach and Plane Boarding

Executive Summary:

(Page #1, Paragraph #1) "Representatives from the TSA and FAA determined that Mr. Tisdale had apparently fallen from US Airways flight 1176." *This is incorrect. Both the TSA and FAA FSDO assisted (and contributed) with the investigation but neither conducted nor released an independent comprehensive investigation with any conclusions. CMPD was the lead investigative agency.*

Airport Summary:

No comments

## Airport Law Enforcement:

(Page #1, Section #3, Paragraph #1) The investigator states "Security for the airport perimeter and facilities is provided by sworn law enforcement officers who are employed by the City of Charlotte." ***This is only partially true. There are many other resources including non sworn personnel, contract security, federal agencies with security responsibilities and a myriad of systems and methods encompassed within the Airport Security Program (ASP).***

(Page 1, Section #3, Paragraph #1) The investigator states "There is one position from the Charlotte-Mecklenburg Police Department (a *Captain*), who is detailed to the airport and who's salary is reimbursed by the Aviation Department." ***A CMPD Captain has been assigned at CLT since 2004. The Captain works fairly autonomously managing the day-to-day activities of the Law Enforcement Officers. A CMPD Captain managed law enforcement activities on November 15, 2010 – the date of the alleged Tisdale incident.***

## Investigation Section:

(Page #2, Section #1, Paragraph #1) The investigator states "This portion of the CMPD's investigation focused on Mr. Tisdale's actions while he was actually on the airport property. In an attempt to determine where he specifically went while at the airport, what vector he may have used to gain access to the terminal or tarmac area, and how he specifically accessed the aircraft" ***None of these goals were accomplished. CMPD's investigation did not conclusively determine that Tisdale was ever on the airport property. Therefore, logically, it also did not determine where he specifically went or what vector he may have gained access. The investigator implies a definitive statement when he writes "while he was actually on the airport property." Nothing in this report or the investigate files support any definitive knowledge that he was on airport grounds.***

(Page #2, 1<sup>st</sup> set of Bullets) The investigator then lists bullet points to describe his investigative actions:

Bullet #1: Investigated the availability of video surveillance from within the airport terminal and outside areas to include the tarmac and gates. ***Although CMPD did attempt to view all the available video footage. There were some portions of video that were unavailable because it had exceeded its archival storage life. Investigators did not attempt to look at video until several days or weeks had elapsed. Based on this, they were not able to conclusively eliminate every access point.***

Bullet #2: Examined the perimeter fencing and gates of the airport with a focus on the area around the North end of Runway 18L. ***CMPD did examine the perimeter fencing and gates but did not find any physical damage, anomalies, signs of forced entry, etc. These results of these findings were excluded in the bullet statement***



*and entire report.*

Bullet #3: Interviewed the staff at the Aviation Museum.

*There was nothing gleaned from these interviews.*

Bullet #4: Conducted an aerial and ground search of the area adjacent to the South end of Runway 18L to ensure that evidence was not located on the roofs or grounds of any surrounding buildings. *Nothing was found. Again, the actual findings (lack of) of this search were not mentioned in the report.*

Bullet #5: Obtained photos of the construction site adjacent to gate 23

*There is/was no construction site near gate 23 at the time. Gate 23 is located approximately 4000 feet from the runway threshold*

*This gate may have either been misidentified or incorrectly labeled in the report.*

Bullet #6: Attempted to lift latent prints off gate 23 and swabbed for DNA residue.

*Again, this was performed but nothing was found. Again, gate 23 makes no sense.*

Bullet #7: Ran a tag-reader vehicle through all of the employee lots.

Bullet #8: Collected soil samples from the area around the North end of Runway 18L. *This is an important point. During the investigation, CMPD attempted, through forensics, to match these samples with soil found on Tisdale's body (shoes). They were unable to make a match. Again, this was not mentioned in the summary report.*

Bullet #9: Interviewed several members of the Airport Law Enforcement agency on general perimeter security protocols, policies, and general procedures. *Not sure who they interviewed. Many of the senior and experienced officers claimed they were not interviewed during the investigation. The investigator does not provide specific names, positions, numbers, etc. of who he interviewed. He also failed to interview the Airport Security Coordinator(s) and other non-sworn personnel with security responsibilities. There are roughly an equivalent number of non-sworn personnel with prominent security responsibilities at CLT. There are 3 certified ASCs at CLT who are the subject matter experts on these protocols. The policies and procedures are*

*captured within the Airport Security Program (ASP). It would be valuable for CMPD to provide a list of names of the personnel they spoke with.*

(Page #2, Middle Section) *As he transitions to the next set of bullets, The investigator says, "it is our opinion" that Mr. Tisdale boarded flight 1176.*

*His next sentence states: "Several factors contribute to this "assumption." No where in the report does the investigator explicitly state that Tisdale breached security*

Bullet #1: *There is evidence to support that Mr. Tisdale did not access the aircraft's location via one of the TSA security checkpoints. What is the evidence? We don't know this for sure because some of the archived video had timed out.*

Bullet #2: *there is no evidence to support that Mr. Tisdale entered the terminal building and vectored to the tarmac via an exterior door.*

*Provide some details and/or information. To make the statement " " (in an effort to eliminate the public vectors as a possibility) and then state "there is no evidence" in and of itself is contradictory.*

*The investigator needs to better explain his rationale for excluding this area as a potential entry point when he himself asserts*

Bullet #3: *There is some video surveillance to support that Mr. Tisdale did not access the aircraft while it was at the gate.*

*The assumption that Tisdale did not access the aircraft while it was at the gate is not fully supported.*

*The investigator also states another assumption*

*night-time.*

*It was also*

Bullet 4: A pre-flight inspection was conducted while the aircraft was at the gate and Mr. Tisdale would have probably been discovered at the time.

Bullet#5:

*The investigator lists a series of 5 conditions:*

One or both, engines may have been cut off or idled down making the aircraft appear less hazardous to approach.

*Don't know.*

Bullet #6:

*investigator's "assumptive theory."*

*Not sure what value this statement adds to the*

*There are rarely scenarios where an aircraft would taxi to takeoff in the manner the investigator described --*

*There is also FAA data that shows there were other aircraft departing before and after flight 1176.*

**E J** if someone was in the wheel well, it is likely that they would have attempted to get out (prior to take off). The excessive vibration from the aircraft movement, jet fumes, heat from the engine, and noise would have been extremely difficult to endure (during the taxi phase).

The investigator states that access to the wheel well would be easy..... *I disagree. Unless you are familiar with the airframe, recognizing the wheel well cavity even exists would be extremely difficult. Even in the daylight and from only a few feet away, it is difficult to recognize the wheel well opening on a 737-400 unless you are literally directly under the aircraft.*

(Page #3) Joint Vulnerability Assessments:

*This is where the report abruptly shifts to the assessment of the airport's security. The JVA is an assessment conducted by an external TSA/FBI team which the federal government attempts to conduct at least every two years. The results of the JVA are non regulatory and non binding and typically produce a list of recommendations and or best practices which are often communicated from airport to airport. Additionally, many of the JVA recommendations are often cost prohibitive or not feasible for many airports. For CLT, for both the 2006 and 2010 the preponderance of the JVA feedback was overwhelmingly positive. However, it appears the investigator copied and pasted selected JVA items which would support his eventual assumption/recommendation. None of this appears to be original work product. More important, most of these discrepancies had been previously corrected and a few were made in error by the inspectors in cases where they didn't understand certain characteristics of the airport. The CMPD investigator clearly did not check and verify the current status of these items.*

(Page #3) Summary/Recommendations:

**E**

**J** Airport security standards are establish by transportation security regulations (TSR), security directives and are promulgated through the Airport Security Program (ASP). These standards are regularly



inspected by the TSA.

" In the aftermath of this report, it has been widely reported by CMPD, local leaders, and the media that Mr. Tisdale breached security at CLT. Those reports are not consistent with the investigator's own words.

(Page #4) The next section transitions to a series of six bullets that lists the investigator's security recommendations. Some of these recommendations listed things that were incorrect, already done and a few were extraordinary measures which are not required by regulation and rarely done anywhere in the country. Again, in this section he makes declarative statements but doesn't explain his methodology, sources, or provide records to support his comments.

At the time, CLT had an approved Airport Security Program which laid out all of the security standard operating procedures. The investigator did not mention the ASP in his report.

(Page #4, Middle Section) In the next paragraph, the investigator transitions into his personnel assessment of security. The private security company that CLT utilizes also has multiple contracts with federal agencies including the Department of Homeland Security (DHS).

(Page #4, Bottom Section) The investigator then goes into an analysis of how many officers CLT should have and very confusingly concludes CLT should be similar to Airport in terms of numbers of officers with . Then for no apparent reason, he settles at the number . A paragraph except from this very confusing section follows:

*I don't follow the math.*

*Actually the investigator is playing a numbers game by deducting the shift supervisors and K-9 officers out of the total number of sworn CLT Officers and comparing this reduced number to the total number of*

*This is still not an accurate depiction. The K9 officers and supervisors are also sworn and are assigned to patrol and conduct a range of duties just like the first line officers. The supervisors are very much working supervisors. In fact, it can easily be argued that the K9 officers and supervisors add an enhanced level of service.*

Personal Commentary: *The appropriate number of officers should be empirically analyzed. Maybe CLT should have in excess of [redacted] Officers; maybe not. However, the investigator's line of thinking and arrival at the number [redacted] doesn't follow any logical thought process/analyses. There is no data or in depth analysis to support this number. There was also no reason stated as to why CLT was baselined with the [redacted] airport. And if he feels as though baselining with [redacted] is appropriate, why didn't he stick with the [redacted] number. I don't understand the logic of this section.*

*Every airport is unique and must be analyzed on its own merits. Using a single variable such as "enplanements" or just arbitrarily comparing it to another airport is not always an accurate measuring stick. Variables such as percentage of originating passengers, the population/MSA, percentage of transfer passengers, facility layout, incident history, ASP requirements, schedules/peak periods, the airport's environment, other security resources available, and an airport's specific law enforcement goals are examples of typical factors used when conducting these types of analyses.*

*(Middle of Page #4 to Top of Page #5) The investigator then makes a series of additional recommendations.*

*This is all good to know information and some of it may be valid. However, this portion of the report is essentially a one man security assessment of CLT which we already receive quarterly by TSA. Nowhere in the final two pages is Delvonte Tisdale even discussed. Moreover, none of these recommendations as written are presented as causal factors or attributable to Tisdale's purported breach.*



*After closely reading the report a couple of glaring things stand out. First, there are no "findings."*

*1) The report neither provides any substantive discovery nor does it have any logical flow. In fact, just a small percentage of the report, less than 3 pages, speaks to the subject/purpose of the report, "Delvonte Tisdale" and his possible actions. Nothing in the last three pages even ties back to Tisdale. The investigator regularly refers to his work product as "opinions" and "assumptions," etc. The word "fact" is only used one time in the entire report in the opening paragraph of the Executive Summary Section.*

*2) There was also very little physical, forensic, or witness evidence to make any Charlotte-based conclusions. With the exception of discussing an attempt to lift latent prints off gate 23 and soil samples (Page #2), none of the physical evidence or witness interview information was included. Not even an overall synopsis. Exclusions of physical evidence, within the report, also include a hand print in the wheel well which was widely reported in the media. The handprint was also unable to be identified through forensics - which was not mentioned in the report. Furthermore, a handprint almost anywhere on an aircraft is not unusual due to regular maintenance schedules that air carriers must adhere to.*

*3) The investigator also regularly made declarative statements but never provided any names, numbers, analysis, or methodology as to why he made certain assertions.*

*4) The investigator clearly did not understand the airport operation (and airport security) and therefore, at times, did not know certain processes, the right person to go to, correct documents to peruse, correct interpretation of some of the data he collected. And in the absence of this knowledge, in some of these cases, he merely stated (in the report) that something didn't exist, wasn't done or was lacking.*

*5) The report can be perceived as very diversionary in nature. It essentially says nothing and has no empirical data, explicit findings or correlational elements to clarify any aspect of Tisdale's activities. The report actually draws you away from the core Tisdale questions. The heavily redacted version released to the media unfortunately prevents readers from truly following the report's flow. It is important that our leaders read the report, in detail, and ask the tough, although basic, unanswered questions. Questions such as:*

*a) Did the investigation determine Tisdale's trek or whereabouts (from his home to the airport)?*

*b) Through forensics or other techniques, did the investigation conclusively determine Tisdale was ever present on the grounds of CLT (provide proof)?*

- c) Was there any physical evidence that showed any forced or unforced entry (provide proof)? Did the investigation uncover a penetration point?
- d) Was there any evidence that showed holes, depressions, disrepair, etc. (provide proof)?
- e) If a breach did occur, is there any evidence to link CLT's security posture (especially Law Enforcement Officers) as a contributory factor?
- f) If this incident did occur, what was your investigative rationale for eliminating all the other numerous potential access points? Especially those that had limited or no video coverage?
- g) Why is approximately 70% of the report a general security assessment while most of the report makes very little mention or linkage to Tisdale?
- h) What are the specific names, numbers of individuals, roles, time on the job of the individuals that provided data on CLT security protocols?
- i) Did the investigation provide a level of certainty that Tisdale was actually in his home on the morning of November 15?

*In summary:*

*As the investigator stated in the report*

*.... The Tisdale investigation was an investigation on two fronts – Charlotte and Milton, MA. There was physical evidence on the Milton end. Unfortunately, on the Charlotte end, we were unable to find anything. We don't know how (or if) Tisdale got to the airport, we don't know the penetration point if he did enter CLT, we were unable to determine his trek and whereabouts on the day of his disappearance and death, and unable to validate any of the physical evidence on the Charlotte end. According to the investigative personnel, there was also limited information and assistance from his family. These shortfalls are omitted in the report but are obviously important to truly ascertain what may have occurred. On the Charlotte end, the Tisdale case at its core, is an unresolved missing person's case.*

*CMPD's investigation did not come close to uncovering any evidence that ever placed Tisdale at CLT. Even if he was (on CLT grounds), the conduct of the investigation excluded so many other potential access possibilities without fully explaining why. When the investigation reached a dead end, " " was an easy and perhaps plausible theory. But the truth is we just don't know. There are a number of other*

*possibilities that could have happened, both at CLT and other locations, and they all deserve the same amount investigative energy and scrutiny. As leaders, we must give a comprehensive account of the findings not worrying about blame, glory, or agenda. The blame will eventually fall where it's supposed to fall. There is already lots of fallout from the sensationalized messages from leaders and the media that Tisdale breached security at CLT. This is unfortunate because many people who have not done anything wrong and have performed their jobs in an exemplary manner are being adversely impacted. More importantly, Tisdale's family has not gotten the accurate information that they need to further pursue or bring closure for them.*

*The true answer on the Charlotte end of the Tisdale case is that "we just don't know." CMPD could not find anything. For such a high profile investigation, the City of Charlotte owes it to all parties to conduct a thorough fact based investigation and produce a qualitative and comprehensive report. For such a high profile case, CMPD produced only a 3 page report (5, including recommendations). The Tisdale family and stakeholders do not have the accurate information. The Tisdale event was unprecedented. During times like these, we want answers, accountability, action and closure. It's important to sometimes just admit "I don't know."*