

WARNING: SENSITIVE SECURITY INFORMATION INCLUDED¹

MEMORANDUM:

TO: Rodney Monroe, Chief of Police

FROM: Jerry Orr, Aviation Director

SUBJECT: Delvonte Tisdale Investigation

DATE: February 16, 2011

NB The only
copy we have
has a copy of
the sticky
note on it (u)

Thank you for sharing the attached report prepared by Major Niemeyer with me. Although it is subject to high levels of security it contains information, allegations and recommendations with respect to the Airport that I think are irrelevant, incorrect, unfounded and possibly harmful, and I think a written response from me is appropriate.

First, however, I must thank you for ordering the report and sharing it with me. Although I disagree with many of its findings, I asked you to conduct the investigation and I appreciate you doing so.

As to the merits of the report I have the following comments:

1. Executive Summary. I have no quarrel with the statement in the Executive Summary.
2. Airport Summary. I fail to see the relevance of these findings.
3. Airport Law Enforcement. I confirm the accuracy of the information provided.
4. Investigation. The report on the investigation corroborates the theory. While in theory Mr. Tisdale might have come through the wheel well there is no physical evidence to support the theory. The bulk of the ascertainable facts do not support the theory.
5. Joint Vulnerability Assessments. The description of the JVA findings in 2006 and 2010 are accurate.
6. Summary/Recommendations. This is the portion of the report with which I take issue. I asked for an investigation of whether there is any evidence to support the currently unfounded suppositions that Mr. Tisdale did crawl into the wheel well of the aircraft as alleged. The answer to that question is contained in the first sentence of this section –

Don't we? When/nd.
Who did TSA & FAA
determine Tisdale
Climb from USAirways
1176?

¹ This memorandum contains Sensitive Security Information that is controlled under 49 CFR Parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know" as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration, or the Secretary of Transportation. Unauthorized release may result in civil penalty or other action.

“ [REDACTED] . To me that should have been the end of the report. In substance, however, the balance of the report comprises an independent assessment and critique of the Airport security program and that is neither appropriate for the CMPD to perform nor what I asked for.

First, the security program at the Airport is not within the province of local police. Airport security (as contrasted with crimes committed on the airport) is a federal system and is under the province of the Department of Homeland Security, the Department of Transportation, the FAA, U.S. Customs, The Department of Agriculture and other federal agencies. The requirements for airport (including airfield) security are embodied in an exhaustive set of federal regulations and the Airport takes pains to comply with these measures.

Our security program is published (although confidential just as your report and this memo are) and is subject to periodic review, evaluation and revision under the supervision of the cognizant federal agencies. Had Major Niemeyer asked I could have assured him, and proved to him, that the Airport's security program, including the fences, meet the letter of the federal requirements and have been approved by the cognizant federal agencies.

I object to the Major's editorializing regarding matters that are beyond his ken and the CMPD's authority because it could be harmful to the Airport and the federal security system were they to become publicized, either publically or privately. His comments could be harmful in at least two ways. One, they could further erode public confidence in the nation's airport security program as it is applied at this Airport. Secondly, they could result in political action that could result in a material, unnecessary increase in airport costs without any concomitant benefits.

To close, I repeat my thanks at your investigation that concluded there is no physical evidence supporting the allegations regarding Mr. Tisdale and this Airport, but I regret those recommendations that I think were neither merited nor helpful.