

Air Line Pilots
Association International

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

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Recommendations to Improve the Federal Flight Deck Officer Program Air Line Pilots Association, Int'l February 2012

Executive Summary

The Air Line Pilots Association, International (ALPA) conceived of and successfully advocated 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. In response to that Congressional mandate, ALPA assisted the Transportation Security Administration (TSA) in designing and implementing the FFDO program. To this day, the Association assists and advises the TSA and the Federal Air Marshal Service (FAMS) on the FFDO program's protocols, management and oversight.

In April 2003, 44 airline pilots graduated from the Federal Law Enforcement Training Center (FLETC) in Glynco, GA and were deputized as the nation's first FFDOs. Since that time, thousands more pilots who fly passenger and all-cargo aircraft have volunteered to become FFDOs. They protect the flight decks of our nation's airliners on over 1.5 million flight segments per year, all within a budget of approximately \$25 million dollars per year.

In early 2012, the President submitted a FY 2013 budget proposal to Congress containing draconian cuts to the FFDO program's funding. Rather than reduce the size of the program through such cuts, ALPA believes that funding for FFDOs should be increased commensurate with the well-deserved reputation that they have earned for providing a much needed layer of aviation security. This paper provides an historical perspective on the program and details its most pressing, current needs.

Background

The first class of 44 federal flight deck officers graduated from training in April 2003. Since then, thousands of airline pilots have been trained as FFDOs. Because the majority

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of FFDOs 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.

The government deployed the program in a cautious, measured manner which was in some respects at odds 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.

The program's reliability, as well as that of the pilots who compose its ranks, have been clearly demonstrated. Federal law enforcement trainers consistently laud the abilities and the attitudes of the pilot-volunteer FFDOs. The TSA continues to cite the FFDO program as a key component in its layered approach to aviation security. Through it, the United States has realized great benefit from the dedication and selflessness of airline pilots who are willing to make significant, personal sacrifices to provide security for a critical component of the nation's infrastructure.

From the outset, ALPA has 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.

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

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

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Budget Requirements

Despite the fact that the TSA still identifies it as one of 20 enumerated layers of aviation security that protects the US aviation industry, the Obama Administration has proposed to slash the FFDO budget from approximately \$25 million to \$12.5 million annually.

In testimony of February 15, 2012 before the House Homeland Security Committee on the proposed FFDO budget reduction, the Secretary of Homeland Security testified, in part, *“The reduction for the Federal Flight Officer Program is predicated on the fact that it is not risk-based.”*

ALPA disagrees with the assessment that the FFDO program is not risk-based. History has clearly demonstrated that terrorists will attempt to repeat their successes and correct their failures. The threat of a hostile takeover of an airliner’s flight deck remains credible and the FFDO program is one of the most cost-effective means available to the government to mitigate the risk and significant consequences associated with that vulnerability.

To date, the FFDO program has proven to be one of the safest, most reliable and cost-effective measures available to the US government to aid in protecting passengers and the air travel industry.

Effects of Budget Constraints on Program Viability

As recently as 2009, the then-TSA Acting Administrator publicly said, “TSA has trained thousands of dedicated volunteers to become FFDOs. There has never been a discussion or plan to end the program...Moreover, there are no plans to transfer funds away from the Federal Flight Deck Officer program. TSA is committed to the continued vigorous growth of the program. FFDOs are an integral part of our layered approach to transportation security.”

However, because of a virtual budget cap over the past several years, the TSA has been forced to significantly reduce the number of pilot volunteers approved for FFDO training. Less than one year after the then-Acting Administrator’s comments, the following message was posted on TSA’s FFDO application webpage:

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Please note: Due to the large amount of applications received for the Federal Flight Deck Officer (FFDO) Program, there are a significant number of qualified candidates who have completed the background phase. These individuals are awaiting a reporting date to the Federal Law Enforcement training center (FLETC), Artesia, NM for initial FFDO training.

The current number of qualified applicants exceeds the number of allocated training slots for this fiscal year. For this reason, we are temporarily suspending the evaluation of FFDO applications until the current FFDO candidates complete the initial training.

During this period, applications for the FFDO Program will continue to be accepted. We will notify the applicants when the review process resumes.

The FFDO program began in 2003 with a budget of \$10 million dollars. In 2004, program funding was increased to approximately \$25 million dollars and supported a few thousand FFDOs. The budget has remained relatively stagnant since that time. In 2010, with thousands more FFDOs having been trained, the available budget was still approximately \$25 million dollars, with \$1.5 million of that amount being reallocated to support the Crew Member Self-Defense Training (CMSDT) Program, which is also managed by the FAMS. As a result, the FFDO program, which has seen no significant increase in funding for years, although having experienced significant growth, effectively operates with less funding today than what was available to support it in its early days.

Based on the steady increase in the size of the FFDO population, a foreseeable crossover has occurred wherein current funding is insufficient to support the regular needs of the existing cadre and maintain program expansion. A disclosure by the FAMS in 2011 indicated that it would train just a fraction of the numbers of FFDOs trained in prior years.

The budget cap of the past several years and proposed budget cuts for FY 2013 pose a significant threat to the growth and vitality of this necessary program. Unless adequate numbers of FFDOs are accepted for training on an ongoing basis, the program will shrink and fail as pilots become discouraged about applying for it, retire, leave airline flying for other occupations, or fail to become FFDOs for other reasons.

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Training Costs Incurred by FFDOs

FFDOs frequently incur significant out-of-pocket expenses to attend basic, requalification, and recurrent training. For example, average 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. Pilot volunteers must pay for ammunition used for practice. All of these costs are borne by the individual FFDOs.

FFDOs willingly volunteer their energy, time, personal finances and service to enhance the security of the traveling public and, ultimately, the U.S. national infrastructure. ALPA believes that, in consideration of these personal sacrifices, the TSA should reimburse FFDOs for all reasonable costs associated with participating in this program, including travel, food, and lodging expenses.

Management

ALPA has for a number of years urged DHS/TSA to address several managerial shortcomings in the FFDO program.

Communications and Field Support of FFDOs

Once trained and deputized, FFDOs are field-deployed with only their SOPs as guidance. They do not have 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. In fact, most FFDOs have no idea of who their FAMS Flight Programs Division managers are. They are only supplied with a toll-free number to call if they have FFDO-related needs. This number connects them to the TSA's Transportation Security Operations Control Center (TSOC). In most cases when contacting the TSOC, FFDOs communicate with either TSA civilian employees or FAMS who are not part of the very small, dedicated FAMS FFDO support staff.

FFDOs are linked to FAMS FFDO program managers through a web-based messaging system known as the Dashboard. This communications system is used primarily by FFDOs to input their schedules, and periodically by FAMS program managers to disseminate either SOP-related information, or, on rare occasions, extremely limited security-related or training information. The TSA has not taken full advantage of this

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tool to facilitate oversight and continued professional training of the FFDO community, such as through distance learning.

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

FFDOs who become the subject of an internal investigation by the FAMS are often 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 may discourage them from doing so and remains a cause for concern.

Experience has shown at times that FFDOs have been exposed to potentially significant penalties, including being terminated by their airline for alleged violations of FFDO Standard Operating Procedures (SOPs). Often, FFDOs receive no written statement of charges or allegations against them or information delineating the process required to adjudicate the matter. Usually, an FFDO is notified orally that he or she is under investigation and is instructed to surrender his or her credentials and weapon while the investigation proceeds. Long periods of time normally elapse with no communication back to the FFDO regarding his or 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.

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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 full-time pilots and volunteer FFDOs, 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 statements that may be against their own interests 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 civil rights protections that are provided to law enforcement officers.

Operations and Procedures

Transporting and Carrying Weapons

Current FFDO 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 and other security experts in 2003, the TSA elected to require FFDOs to use lock boxes to transport FFDO weapons. More recently, the agency has purchased containers for weapon transport by FFDOs that are too large and obtrusive for their intended, discreet mission.

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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 and supports 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.

FFDO Mission

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

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 objects to prohibiting properly trained FFDOs who are deadheading, commuting, or on official travel from carrying their assigned weapons in the cabin of an airliner, or from acting in concert with onboard federal law enforcement officers and the operating crew to protect the flight deck against acts of terrorism.

ALPA recommends that Congress authorize FFDOs to carry their service weapons 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 flight crewmember, to

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include leaving the flight deck for physiological needs. SOPs must be rewritten to authorize these protocols and to clearly define the legal rights, duties, and protections afforded to FFDOs in following them.

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 officers or 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 immediate law enforcement intervention.

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 flight crewmember or traveling in the cabin of an airliner.

International Deployment

Many airline trips include international segments for flight crews. Under current procedures, FFDOs are authorized to fly in mission status on domestic routes and a very limited number of international destinations. 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 (i.e., reserve) FFDO is assigned an international flight, he or she must find a way to secure his or her weapon at the domicile or refuse the trip. While a number of airports have weapon storage lockers available for FFDO use, they are often fully occupied or not functional. Although the TSA has advised FFDOs that their Federal Security Directors are available to help them in such situations, this help is commonly unavailable when and where pilots need it.

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 is that large, wide-body airliners fly international routes and present attractive targets to terrorists.

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 DHS

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should do everything in its power, working in conjunction with the U.S. Department of State, to obtain agreements with foreign governments that will allow for increased 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 unique 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 or request of the pilot in command of the flight.

Captain's Authority

Captain's authority established in federal aviation regulations is not diminished or superseded by the presence of armed law enforcement officers aboard the aircraft. However, captain's authority does not extend to preventing a federal law enforcement officer from exercising his or her federally mandated duties. No legislative amendments to the FFDO program should interfere with or alter captain's authority established in law.

FFDO Access to Airport Secured Areas

ALPA believes that in order to best protect the integrity of the FFDO program, the identity of its officers, and to accommodate airline operational needs, FFDOs should be authorized to enter airport secured areas in the same fashion as FAMs. This should be contingent upon their compliance with FFDO SOPs relative to reporting their flight schedules. ALPA encourages the FAMS to authorize this practice through an amendment to current FFDO SOPs.

TRAINING

Leave for Training

Some pilots whom the TSA has selected to attend FFDO basic training have been unable to do so because of difficulty in obtaining 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 negatively affect FFDO

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program application rates and deny the security benefits afforded by the FFDO program.

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 would be unpaid, it would facilitate pilots' ability to attend FFDO training and strengthen the program.

Training Requirements and Locations

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 consistently provided by the FAMS to address these variables.

ALPA commends the TSA for having developed and implemented extremely effective FFDO initial and recurrent training curricula. 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 or her mission or introduces unnecessary risk must be modified or replaced, and such changes must be communicated to them.

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 current, in-depth, tactical, and intelligence information sharing based on evolving threats. Any additional training must be consistent with and build upon the training foundation previously provided to FFDOs.

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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 strategically located training sites. The TSA has done a relatively good job to this end but should make greater use of FAMS field offices as training sites.

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.

Currently, the FAMS provides FFDO recurrent training at its Atlantic City, N.J., and Dallas-Ft. Worth, TX facilities. 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.

Conclusions

The FFDO program represents an extremely valuable asset in today's layered approach to aviation security, having been heralded by the government as one of the most effective enhancements since the events of Sept. 11, 2001. 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. economy and infrastructure.

To enhance the continued viability and growth of the FFDO program, the program's budget, management, operations and training should be strengthened and improved as described in this document.

The Air Line Pilots Association, International (ALPA), founded in 1931, represents the interests of more than 53,000 pilots who fly for 37 U.S. and Canadian passenger and all-cargo airlines. To learn more about ALPA, visit the Association's website, www.alpa.org.