

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NICHOLAS GEORGE,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
WILLIAM REHIEL, et al.	:	
	:	
Defendants.	:	No. 10-586

DECLARATION OF SARAH TAUBER

I, Sarah Tauber, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an employee of the Transportation Security Administration (TSA), which is a component of the U.S. Department of Homeland Security (DHS). I have served with TSA and DHS in varying capacities since October 17, 2002, including a term as Branch Manager for TSA's Behavior Detection and Analysis (BDA) Program within TSA's Office of Security Operations (OSO), beginning on June 12, 2012 and ending on October 14, 2014. As of October 14, 2014, I serve as the Deputy Director for Threat Assessment Division of OSO, and the BDA Program remains part of my portfolio. This Declaration is based on my personal knowledge or knowledge gained in those official capacities.

2. As the head of the BDA Program, I oversaw all aspects of TSA's behavior detection program and procedures. TSA employees trained specifically as Behavior Detection Officers (BDOs) observe passengers prior to and during the screening process in order to determine whether any are exhibiting acts or behaviors indicative of a high

risk passenger who may attempt to cause harm to an aircraft or the passengers on an aircraft. Where a BDO observes sufficient high risk indicators, an individual is simply subject to some additional screening similar to that employed when carry-on baggage X-Ray displays an anomaly. This type of additional screening usually takes five minutes or less.

3. When appropriate, BDOs may refer the passenger to a Law Enforcement Officer (LEO) for resolution of any potential security concerns that the BDO may have identified. Under current procedures, this is known as a LEO Referral.

4. TSA does not have direct authority over law enforcement officers. Therefore, if a LEO responds to a BDO referral, that officer will use his or her training and judgment to decide what actions to take.

5. I am aware of no TSA document or policy that requires a police officer responding to a LEO Referral under TSA behavior detection procedures to arrest the passenger in question. The BDA program anticipates that responding police officers will exercise their independent judgment on how to proceed after the referral is made.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed November 10, 2014.
Arlington, Virginia



Sarah Tauber
Deputy Director, Threat Assessment Division
Office of Security Operations
Transportation Security Administration
U.S. Department of Homeland Security