

THE SAME MONTH CBP MISSED TAMERLAN TSARNAEV, IT WAS RAMPING UP SEARCHES FOR “GOOD” GUYS

One of the most notable failures to prevent a terrorist attack in recent years involves Tamerlan Tsarnaev. After the Russians alerted us he was engaging with radical elements, he flew to Chechnya in January 2012. In spite of an alert set to identify him, Customs and Border Protection did not stop him either going out or coming back from Russia.

As the Inspector General report on the attack explains, though CBP had probably been properly alerted he was a concern, Tsarnaev was not interviewed on the way out of the country because there were higher priority passengers.

Tsarnaev was identified as a potential subject of interest for CBP at JFK International Airport. On the evening of January 21, 2012, when Tsarnaev's flight was departing, he was a low priority relative to the other passengers of potential concern. As a result, CBP did not review his record or conduct an outbound inspection of him before he departed.

On Tsarnaev's way back into the country, CBP would have gotten an alert from Aeroflot, but that alert did not come up on CBP's display status.

Due to differences in CBP procedures and the display status of the record, Tsarnaev was not identified as a potential subject of interest for CBP at JFK International Airport. As a result, Tsarnaev was not directed to secondary inspection. The CBP officer who conducted the primary inspection of Tsarnaev said he could not recall his encounter with Tsarnaev.

A recent story from the Intercept reveals that one of the things that may have been a higher priority than interviewing Tsarnaev was interviewing “good” guys.

In years leading up to the attack on the Boston Marathon CBP started working with the FBI to identify potential informants through CBP interviews. Reports describe how this involved a shift in perspective, from an enforcement

perspective focused on “looking for the ‘bad guys’,” to an intelligence perspective focused on “looking for the ‘good guys’” who might be willing to trade information about their community for immigration benefits.

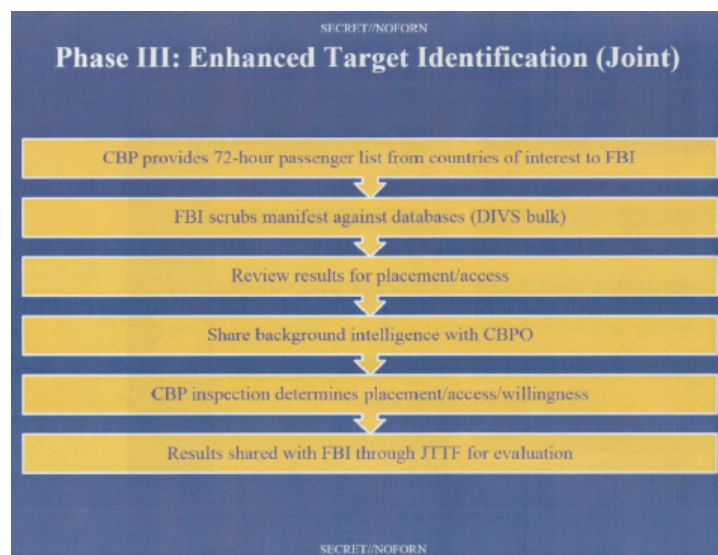
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Shifting Perspective
Intelligence Sharing – Intel Focused Secondary

Enforcement Focused	Intelligence Focused
• Looking for the “bad guys”	• Looking for the “good guys”
• Primary concern is internal (CBP/ICE)	• Concerns may include offshore enforcement or intelligence community partners
• Does not include details about what the passenger may have placement and access to report on	• May include details about what the passenger may have placement and access to report on
• Does not include officer's assessment of passenger's willingness and suitability to cooperate with USG	• May include officer's assessment of passenger's willingness and suitability to cooperate with USG

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It worked this way: CBP would provide a 3-day passenger list to the FBI, the FBI would find anyone of interest, and then CBP would screen them to determine whether they had access to sources and willingness to serve as an informant.



The documents the Intercept released pertain only to Boston’s Logan Airport, Buffalo, and Rochester; curiously, at least Buffalo seems to coordinate primarily with Boston. So they don’t describe how this program got rolled out at JFK, through which Tsarnaev flew. But in Boston, at least, there was a big spike in the number of CBP inspections conducted in January 2012, the

very month Tsarnaev flew out.

Intelligence Collection Metrics			
CBP Lookouts Created*:	24	44	+83%
CBP Inspections Conducted (FBI Not Present):	19	40	+110%
CBP Inspections Conducted (FBI Present)*:	5	7	+40%

Was CBP so busy looking for informants it missed someone the Russians had IDed (correctly) as a terrorist?