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SEARCHING BODIES: THE CIVIL LIBERTIES DILEMMA

by Philip Baum

One of the most fundamental elements of a screening checkpoint is the ability to determine whether or not an individual is carrying a prohibited or restricted item. The range of items we are now searching for at airports has grown over the years and many argue that the days of magnetometer inspection are now passé.

Granted that the current terrorist threats involve explosive devices - in a multitude of formats - chemical, biological and radiological weapons, as well as materials which, in flight, can be converted into improvised incendiary devices, should we really be restricting our efforts to detecting metallic items?

"...it is now the almost routine use of millimetre wave solutions that is the invasion of civil liberties..."

Then again, there appears to be no single technology which can address all threats. We have rolled out millimetre wave systems with much fanfare, yet they have elongated the time it takes to screen a passenger - if one include the time it takes to divest pocket contents prior to screening - and are unlikely to identify an explosive device concealed in a body cavity or surgically implanted. Furthermore, even CB-weaponry is likely to pass through millimetre wave portals undetected.

Objections to the deployment of advanced imaging technology (AIT), or body scanners to use common parlance, appear in abundance in social media and civil liberties groups have fuelled the flames by intimating both that their usage is unnecessary and that such examination is an invasion of privacy. As the American Civil Liberties Union (ACLU) points out, "Passengers expect privacy underneath their clothing and should not be required to display highly personal details of their bodies such as evidence of mastectomies, colostomy appliances, penile implants, catheter tubes and the size of their breasts or genitals as a pre-requisite to boarding a plane." They don't!

The industry appears to have caved in to the scaremongering and governments have resisted attempts to deploy the most effective screening technologies. As a result, we continue to utilise the least effective systems and pin our future aspirations on bureaucratic, data-driven processes which imply that they "know" people. Most disturbing of all, data profiling cannot be applied worldwide and will, in the near future, only serve, albeit with questionable effectiveness, the needs of the wealthy states in the developed world.

One can decry groups such as the ACLU, who also express considerable concern about the transmission of passenger data - something I have far greater concern about than the use of AIT - yet there are elements of their stance which one should have sympathy with. "There are some security measures that are extremely intrusive and should only be used when there is good cause to suspect that an individual is a security risk", according to their website. Note that even the ACLU is stating that more detailed searches can be effected when, and I repeat, "there is good cause to suspect that an individual is a security risk."

Cue profiling! OK, let's call it behavioural analysis or passenger risk assessment if you prefer. The ACLU only states that, "We oppose using this [body scanners] as part of a routine screening procedure". I couldn't agree more. Our checkpoints should not be subjecting all passengers to examination with AIT...only when we believe an individual poses a risk. In fact, granted the deterrent value of our current screening system, continued use of magnetometers is welcomed.

AIT must however feature as well. Even the ACLU acknowledges that, "such technology may be used in place of an intrusive search, such as a body cavity search, when there is probable cause sufficient to support such a search".

We need to spend more time and effort building safeguards into our screening processes to ensure that it achieves its goal of detecting prohibited items and, ideally, unarmed individuals with negative intent. That is only truly achievable if we deploy suitably qualified personnel, implement arduous red-teaming programmes, and apply security procedures based on common sense. I sympathise with the ACLU's stance that, "Routine full body scanning, embarrassingly intimate pat-downs and racial profiling" have no place in the airports of any State which considers itself to be developed and value human rights.

The deployment of transmission X-ray solutions for body scanning is long overdue; every checkpoint requires the capability to determine whether or not a person behaving abnormally is transporting prohibited or restricted items as internal carries or surgical implants. It is now the almost routine use of millimetre wave solutions that is the invasion of civil liberties.

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It is only thanks to civil libertarians that society has become more humane and has tempered our primitive instincts to perform barbaric acts and humiliate those with views or lifestyles which differ from what were once society's norms. As long-time readers of this journal are well aware, I condemn unreservedly the use of capital punishment and it is only through the campaigning of the ACLU that we have any hope of America becoming a truly developed country. Staggeringly, America has, since 1976, executed 1,392 people, despite the best efforts of the ACLU; small wonder then that the US has failed to fulfil its role as a world leader by promulgating a screening process which focuses on the threat rather than subjecting the masses to a demeaning experience. It's just not that developed yet!

All too often one hears that effective security controls cannot be deployed because of the opposition from civil liberty groups. We need to start selling the public a system that works and we need to get groups, such as the ACLU, to work with us by focusing on their very own message of performing "security measures that are extremely intrusive... when there is good cause to suspect that an individual is a security risk". ■

