



*Olivia, a transgender woman, filed a civil rights complaint with the Transportation Security Administration in 2017 after a troubling encounter at the Fort Lauderdale-Hollywood International Airport. (Annie Flanagan, special to ProPublica)*

## **When Transgender Travelers Walk Into Scanners, Invasive Searches Sometimes Wait on the Other Side**

Transgender and gender nonconforming people say they have been pressured to expose their genitals during TSA searches at airports. The encounters stem from shortcomings in the agency's technology and insufficient training of its staff.

by Lucas Waldron and Brenda Medina, Aug. 26, 2019, 5 a.m. EDT

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On Sept. 15, 2017, Olivia stepped into a full-body scanner at the Fort Lauderdale-Hollywood International Airport.

When she stepped out, a female Transportation Security Administration officer approached. On the scanner's screen was an outline of a human body with the groin highlighted. The officer told Olivia that because of something the scanner had detected, a pat-down would be necessary.

As a transgender woman, Olivia, 36, had faced additional TSA scrutiny before. On those occasions, a manual search at the checkpoint had been enough to assure TSA officers that there wasn't a weapon or explosive hidden in her undergarments.

This encounter with the TSA went very differently.

After patting down Olivia and testing her hands for explosive residue, the officer said that she still couldn't clear Olivia to board her flight and that a further search would be required.

Olivia was led to a private room where, she said, the officer patted her down again, running her hands down Olivia's legs and over her groin.

"I told her: 'If the issue is what you are feeling, let me tell you what this is. It is my penis,'" said Olivia, who agreed to be interviewed only if she were identified by her middle name because she fears people will treat her differently if they know she is transgender.

Soon after, three other TSA officers, all of them women and at least one of them a supervisor, entered the room, Olivia said.

TSA rules require that passengers be searched by officers of the same gender as they present. But, according to Olivia, the TSA supervisor told her that she would have to be patted down by a male officer.

After Olivia refused to be searched by a man, the officers told her that because she was not consenting to a search, she could not board her flight and would be escorted out of the terminal.

Olivia said she started crying and pleaded with the officers. "Can I just show you?" she recalled asking them.

TSA officers aren't supposed to allow passengers to remove undergarments. But Olivia said the officers in the room with her did not object when Olivia pulled her ruffled, black and white skirt and underwear down to her ankles.

Olivia was then cleared to continue to her gate.

## **A Flawed System**

What happened that day traumatized Olivia, who is now fearful of airports, and what she experienced reflects the worst fears of many transgender travelers, who say the TSA is failing them.

Shortcomings in the technology used by the TSA and insufficient training of the agency's staff have made transgender and gender nonconforming

travelers particularly vulnerable to invasive searches at airport checkpoints, interviews and a review of documents and data shows.

The TSA says that it is committed to treating all travelers equally and respectfully. But while the agency has known about the problems for several years, it still struggles to ensure the fair treatment of transgender and gender nonconforming people.

To understand the extent of the problem, ProPublica reviewed publicly available complaint data from the TSA's website and asked transgender travelers to provide accounts of their experiences at airport checkpoints.

The review, which covered civil rights complaints filed from January 2016 through April 2019, found that 5%, or 298 complaints, were related to screening of transgender people, even though they are estimated to make up slightly less than 1% of the population.

This may understate the proportion of complaints from transgender travelers. When Olivia contacted the TSA, her complaint was filed in a different category — a catchall classification called “sex/gender/gender identity - not transgender.” That category accounts for 15% of the civil rights complaints in the period examined by ProPublica, but the TSA said it did not have a more specific breakdown of these complaints and could not say how many were, like Olivia's, related in some way to gender identity and screening. ProPublica filed a Freedom of Information Act request in April seeking information about each complaint in those categories, but the agency has not yet provided any response.

When ProPublica asked transgender and gender nonconforming people to tell us about their experiences, we received 174 responses, many of them recounting humiliating treatment after being flagged by full-body scanners for additional scrutiny. Of those people, only 14 said they filed a complaint with the TSA. Many of those who did not file complaints said they didn't know how, were afraid of outing themselves or didn't want to relive the experience.

Some of the travelers who responded to ProPublica said they were asked by TSA officers to lift clothing to show private parts of their bodies or were pressured to expose their genitals so that TSA officers would allow them to pass through the security checkpoint.

“Transgender people have complained of profiling and other bad experiences of traveling while trans since TSA's inception and have protested its invasive body scanners since they were first introduced in 2010,” said Harper Jean Tobin, director of policy at the National Center for Transgender Equality, or NCTE.

The TSA, which is part of the Department of Homeland Security, was created in an overhaul of transportation security after the 2001 terrorist attacks, with the mission to prevent similar tragedies. The agency, replacing a patchwork of private security providers, initially used metal detectors, which had been standard at checkpoints for years. But after a passenger attempted to blow up a plane in 2009 with plastic explosives hidden in his underwear, the agency began using full-body scanners.

The new scanners were designed to detect potential threats that are not necessarily metal. But TSA officers can't tell by looking at the monitor whether the machine is detecting a weapon, or as in Olivia's case, a body part that the scanner was not programmed to associate with a woman.

Since implementing the scanning technology, the agency has grappled with privacy and discrimination issues. Like the transgender and gender nonconforming communities, people with disabilities, people who wear religious head coverings and women of color, whose hairstyles trigger the body scanners to alarm more frequently, have raised concerns about profiling and invasive screening.

Jenny Burke, the TSA's press secretary, said the screening is done "without regard to a person's race, color, sex, gender identity, national origin, religion or disability."

In February, the agency rolled out a new online transgender awareness training, mandatory for its 43,000 screeners, and is studying options for better technology, Burke said.

But advocates and some lawmakers said the improvements have taken too long for a federal agency that interacts with the public more than many others. On an average day, TSA officers screen more than 2 million people and manually search many of them.

"For many, TSA is not just the public face of government — but its hands, too. Its success as a security agency depends upon the trust and compliance of a diverse public," Rep. Bennie Thompson, D-Miss., said during his opening statement at a Homeland Security Committee hearing in June.

Transgender people have faced growing uncertainty about whether their civil rights are protected by the federal government. In May, the Trump administration announced plans to roll back protections for transgender people under nondiscrimination laws. Earlier last year, the administration barred transgender people from serving in the military. As ProPublica reported last year, some states bar transgender people from obtaining a state-issued ID that matches their gender presentation unless they provide proof they've had surgery.

## False Alarms

Most of the incidents ProPublica reviewed for this story started with a body scanner issuing an alarm.

Before a person steps into the full body scanner at an airport, a TSA officer must register the person's gender, pressing a pink button for a female or a blue button for a male. Generally, the officers make the decision in seconds, based on a person's appearance.

The body scanner is programmed to look for penises on passengers scanned as male and breasts on passengers scanned as female. If the officer selects the female button and the machine detects something in the passenger's groin area — like in Olivia's case — it could interpret a body part as a potential threat, issuing an alarm.

ProPublica also spoke to several cisgender women who said they were flagged for additional scrutiny after a TSA officer scanned them as male, causing their breasts to trigger the alarm. ("Cisgender" describes someone who identifies with the sex they were assigned at birth, meaning they are not transgender.) The women told ProPublica that they believed the officers scanned them as male because they had short hair or, in one case, because they were wearing baggy clothes.

Peter Neffenger, who served as TSA administrator for the last 18 months of the Obama administration, said he heard again and again about the anxiety brought on by the scanners.

"As many in the transgender community explained to me, it's one of the most stressful parts of the screening process for them," Neffenger said.

In September 2018, Terra Fox, a transgender woman, was at the airport in Albuquerque, New Mexico, on her way to a conference in Orlando, Florida. When she walked through the body scanner, the machine showed a yellow box over her groin.

Fox said she told the officers at the checkpoint that she is a transgender woman and that the machine was merely detecting her genitals.

Fox asked to be patted down by a woman, but the female officers near her refused to do it.

According to Fox, two male officers brought her to a private room and instructed her to pull down her leggings and show them her genitals. She complied, but the screening lasted so long that she missed her flight. She said the experience has taken a toll on her.

"Every time I travel, I have to cry and feel humiliated," she said.

Fox has to travel for work frequently and said she doesn't have the option of avoiding airports.



*Terra Fox says she was instructed to pull down her leggings during a TSA search at the airport in Albuquerque, New Mexico. (Adria Malcolm, special to ProPublica)*

Allister McGuire, a transgender man who lives on Long Island, N.Y., said he didn't fly for five years after an experience in the St. Louis Lambert International Airport in 2014. McGuire was taken to a private room after the body scanner went off, displaying a yellow patch on his chest.

“I was very nervous,” McGuire said. “I did not feel safe.”

The two male officers in the room told McGuire to remove his chest binder, a cloth undershirt some trans men and gender nonconforming people use to flatten their chests, and then lifted each of his breasts with their hands, McGuire said. He was eventually allowed to leave, but he said he immediately had to take anxiety medication.

McGuire said he did not file a complaint.

In an interview with ProPublica, McGuire wondered: “If I was coming through as a woman, would [the officers] be touching me like that?”

Burke, the TSA press secretary, said that the agency does not conduct strip searches, but that travelers may be required to “adjust clothing” during the pat-downs. The agency didn’t respond to detailed questions about the allegations made by Fox and McGuire.

Neffenger said that during his time as TSA’s administrator, officers were not supposed to ask people to take off their clothes during a screening. But he acknowledged that it was difficult to keep such an enormous workforce consistently trained.

“It wouldn’t surprise me if you said you discovered that people have asked people to undress,” Neffenger told ProPublica. “It’s a big organization; it’s got a lot of turnover.”

The overall attrition rate for the TSA officers is 17%, which is roughly in line with the federal workforce, according to a [report](#) this year by the inspector general for DHS. But officers leave the TSA voluntarily at a higher rate than other federal employees, according to the report, which said “retention and training challenges are contributing factors to airport security weaknesses.”

Neffenger spent 33 years serving in the U.S. Coast Guard before being appointed in 2015 to lead the TSA. He arrived amid fallout from damning revelations about the agency. A leaked government report showed that TSA officers had failed to detect nearly all weapons and explosives smuggled through by DHS investigators during a secret test.

Neffenger said his immediate focus as administrator was to develop a nationwide training program. It was a challenging task, he said, because the intrusive nature of the screening process will inevitably make both passengers and officers uncomfortable.

“Pat-downs are, by definition, invasive,” Neffenger said. “What [TSA officers] are asked to do is stuff people don’t like to do.”

## Public Comments

TSA officers would need to do fewer pat-downs if the agency had better technology.

The agency uses a machine called a millimeter wave scanner at nearly every airport in the U.S. The machines, manufactured by L3Harris Technologies, rely on an algorithm to analyze images of a passenger's body and identify any threats concealed by the person's clothes.

The TSA has spent about \$110 million deploying the machines, which cost about \$150,000 each, according to a [government report](#).

Since the TSA began deploying body scanners at airports, LGBTQ advocates have expressed concern that the new screening procedures would disproportionately affect transgender travelers.

In a letter to then-TSA Administrator John Pistole in December 2010, NCTE, the Transgender Law Center and the National Center for Lesbian Rights described two incidents in which transgender men were interrogated by TSA officers because their bodies looked different in the scanners than what the officers expected. The organizations urged Pistole to take immediate action to stop discrimination against transgender people. In a written response, Pistole said the agency was "working hard to respond to the concerns of the traveling public."

In 2010, the Electronic Privacy Information Center, or EPIC, sued DHS in response to the TSA's decision to make body scanners the primary screening system at airports. EPIC argued that the agency should have given the public an opportunity to comment on the technology before it was implemented. The District of Columbia Court of Appeals ruled in favor of EPIC in 2011, though the TSA didn't begin accepting comments until 2013.

"They are now blaming the scanners when part of the rule-making process is to surface these kinds of issues," said Jeramie Scott, director of EPIC's Domestic Surveillance Project.

Burke said the agency procures equipment, such as body scanners, that can accommodate the largest demographic possible. Burke said the TSA does not develop its own technology and solicits private companies to develop scanners that meet the agency's needs.

Neffenger said talking to transgender people and advocates helped him realize that the agency had to do better.

"You really have to design a system that is as close to 100% as possible," he



said.

The TSA and L3Harris Technologies did not respond to questions about how the scanner's algorithm processes images to determine threats. (In June, L3 Technologies and Harris Corporation merged to form L3Harris, which has about 48,000 employees and is a key government contractor.)

In a written statement, Jennifer Barton, a spokeswoman for L3Harris, said details about the company's research and development are confidential. She also said the company is working "with the TSA" on new technology and products that meet the agency's "evolving requirements and the needs of all passengers."

"We recognize the importance of ensuring that security scanning equipment accommodate all gender identities, and that is why (the company) is developing technology that moves away from the current male/female imagery and will safely screen passengers without the use of gender-specific images," Barton wrote.

Barton didn't respond to follow-up questions about when the technology would be ready for use at airports.

## **Beyond Technology**

While Olivia was searched in the private room in Fort Lauderdale, her fiancée, Marguerite, was waiting on one of the benches near the security checkpoint. Olivia, a trial lawyer, and Marguerite, a school psychologist, had been dating for a year and were planning to marry that winter. The couple were on their way to New York for Marguerite's brother's wedding, and Marguerite was worried that they might miss their flight.

"I didn't know if I could call the police," Marguerite said. "I didn't know what my rights were."

Olivia said she is used to people questioning her appearance — and even her right to exist — because she is transgender. Showing her naked body to TSA officers, however, was a level of invasiveness she wasn't prepared for.

"The whole weekend of the wedding I replayed the situation in my mind. It ruined the trip," she said. "As a lawyer I am used to being in control of the situation, but that situation just completely went off the rails."

Days after the incident, she filed a detailed complaint with the TSA. Her account describes actions, such as the directive that she submit to being searched by a man, that would violate TSA policy.

Burke, the TSA press secretary, said transgender people are supposed to be



*"As a lawyer I am used to being in control of the situation, but that situation just completely went off the rails," Olivia said. (Annie Flanagan, special to ProPublica)*

patted down by an officer of the same gender that they present.

A TSA officer, who has worked as a screener since 2016 and spoke on the condition of anonymity, said the officers should not have allowed Olivia to expose herself.

"The moment she [Olivia] said she was going to take her clothes off, they had to say: No, we can't allow that. That is completely against SOP [standard operating procedure]," the TSA officer said.

Olivia said if she'd known she had the right to bring a witness into the private room, Marguerite would have been there with her.

Six weeks after she filed her complaint, on Oct. 31, 2017, Olivia received a letter from the TSA's Office for Civil Rights and Liberties, Ombudsman and Traveler Engagement. The letter shared the conclusions of the agency's investigation into the incident: "Our review to date does finds [sic] that the TSA officers and staff did follow Standard Operating Procedures (SOP) in the overall screening and the pat down procedures," it said.

According to the letter, the agency's investigation involved "a collection and review of eye-witness statements, close circuit television footage, and any other evidence tending to prove or disprove a traveler's factual allegations."

The two-page letter didn't address Olivia's claim that she had to expose her genitals to TSA officers.

"My complaint came back and it was not at all what I said had happened," Olivia said.

Eventually, Olivia filed a Freedom of Information Act, or FOIA, request for the evidence the TSA said it reviewed to investigate her allegations. Her request was denied.

"Nobody called me, nobody did anything, they completely blocked my FOIA request," she said.

ProPublica also submitted a FOIA request for documents related to the

investigation into the incident, along with a privacy waiver signed by Olivia to allow ProPublica to access her records. The agency has yet to provide ProPublica with any of the requested records, citing a backlog in FOIA requests.

ProPublica reviewed the narrative that Olivia included in her original complaint to the TSA, as well as photos she took of the officers involved and an audio recording she made at the end of the incident, to corroborate her description of events.

The agency told ProPublica that it does not have cameras in private screening rooms and did not respond to questions about the incident or Olivia's complaint.

ProPublica contacted one of the officers at her home in South Florida, but she declined to comment. We could not locate the other two officers.

## **Deficient Training**

TSA officers and supervisors started taking a 30-minute online course titled "Transgender Awareness Training" in February. The course is supposed to teach employees how to interact with transgender people respectfully, according to a one-page summary of the training provided by the TSA.

Burke said that the agency would not provide a copy of the training materials because they are "sensitive security information."

ProPublica reviewed hundreds of posts and comments from a private Facebook group for current and former TSA employees called "TSA Breakroom." The conversations in the group, which has more than 18,000 members and is not administered by the TSA, shed some light on the content of the training.

In a series of discussions earlier this year, group members, some of them withholding their names, complained about the program. One of the anonymous posts said the course in the Online Learning Center, or OLC, instructed officers to introduce themselves to passengers by stating their name and the pronouns the officer uses.

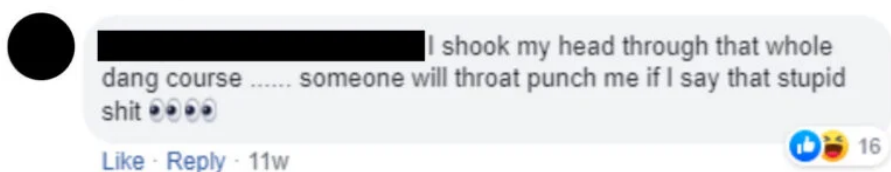


A post in a private Facebook group for current and former TSA employees called "TSA Breakroom."

This kind of introduction is common in the LGBTQ community, but dozens of group members wrote that they didn't understand the instructions or would not be willing to introduce themselves that way.

Many group members wrote that they worried passengers would be upset if officers asked them about their gender identity.

"I shook my head through that whole dang course," one member commented in April 2019. "Someone will throat punch me if I say that stupid shit."



A comment from April 2019 about a transgender awareness training course, posted in a private Facebook group for current and former TSA employees.

Other group members wrote that the training didn't address the fundamental problem that the scanners have only male and female options.

"I got a pink button and blue button. Which one you want?" one group member wrote.

The current TSA officer who spoke to ProPublica on the condition of anonymity said that she came up with her own ways to screen transgender passengers.

"I flip a coin in my head and hit a button, wait for the person to walk out of the scan, point at the screen and ask the person: Did I scan you right?" the officer said. "It is sort of a discreet way of asking." If the passenger's answer is no, the officer asks the passenger to walk through the scanner again and hits the other button.

Another TSA employee, who has worked for the agency for over a decade and spoke on the condition of anonymity, said that the gender buttons are stressful for both passengers and officers.

“A lot of the traveling public already hate us,” she said. “We don’t want to offend people by [scanning them] wrong.”

Some members of Congress have tried to address discrimination against transgender people at TSA checkpoints through legislation. In 2018, Rep. Kathleen Rice, D-N.Y., introduced the Screening With Dignity Act, which proposed funding for TSA training and education and a feasibility study for retrofitting or replacing the millimeter wave scanners. The bill died in the Homeland Security Committee and has not been reintroduced this year.

“It is clear that TSA needs to reassess its technological capabilities and improve its screening procedures to be more inclusive,” said Rice, who was the district attorney for Nassau County, on Long Island, before being elected to Congress. “No one should have to go through airport security scared that they might be humiliated, discriminated against or outed.”

In a 2015 survey of transgender Americans, NCTE found that of respondents who had gone through airport security in the last year, 43% had a problem at the checkpoint related to being transgender.

Many transgender people fear interacting with law enforcement in any setting. According to the NCTE survey, 57% of respondents said they would be afraid to ask the police for help.

Fox, the transgender woman who said she was asked to expose her genitals at the airport in Albuquerque, said her boyfriend encouraged her to file a complaint, but she decided against it.

“Dealing with the legal system is scary,” Fox said.

## **Lasting Trauma**

When Olivia left the private room where she was searched at the Fort Lauderdale airport, she ran to Marguerite, who was waiting for her on the bench, and wept.

“Calm down, calm down, get your stuff together,” Marguerite can be heard telling Olivia in the audio recording Olivia took on her phone near the end of the incident.



Olivia and her wife, Marguerite. When they have to fly, Marguerite prints out the screening procedures from the TSA's website in case Olivia is stopped again. (Annie Flanagan, special to ProPublica)

From the time Olivia stepped in the body scanner to the time she was allowed to head to her flight, the encounter spanned just 20 minutes. But it's been impossible to forget.

Marguerite and Olivia, who married last year, have traveled a few times since the September 2017 trip. Marguerite prints the screening procedures from the TSA website and keeps a copy in her purse, in case she has to show it to a TSA officer.

Each time they travel, Olivia panics as she approaches an airport checkpoint.

"I feel my heart speed up. I start thinking: It is going to happen again, it is going to happen again, it is going to happen again," she said.

This May, while flying back to Florida from North Carolina, a TSA officer asked Olivia to step aside. The airport body scanner issued an alarm in her groin area. The officer patted her over her jeans and allowed her to head to her flight.

When she left the checkpoint, Olivia ran to Marguerite, who held her as she cried.

*Este reportaje es publicado conjuntamente con el Miami Herald, que tradujo al español una versión de esta historia. Puede leerla [aquí](#).*

*Do you have access to information about the TSA that should be public? Email [lucas.waldron@propublica.org](mailto:lucas.waldron@propublica.org) and [brenda.medina@propublica.org](mailto:brenda.medina@propublica.org). Here's how to [send tips and documents](#) to ProPublica securely.*

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