

United States Senate
WASHINGTON, DC 20510

August 19, 2010

The Honorable John F. Clark
Director
U.S. Marshals Service
U.S. Department of Justice
Washington, D.C. 20530-1000

Dear Director Clark:

We are writing because we are disturbed by recent reports that the U.S. Marshals Service has been storing the images produced from scans taken at a U.S. courthouse in Orlando, Florida. Advanced Imaging Technology (AIT) has the potential to serve as an important screening tool at security checkpoints as it is able to identify concealed weapons, explosives, and other dangerous items that would likely go undetected by a traditional metal detector. There is understandable concern, however, over the privacy protections in place for AIT devices, as they are able to scan through clothing and capture detailed images of the bodies of those who are scanned.

The media reported last week that, from February 2010 through July 2010, the U.S. Marshals Service stored more than 35,000 images from whole body imaging scans taken at the Orlando federal courthouse. In response to these reports, a U.S. Marshals supervisor was quoted in the *Orlando Sentinel* as saying that “everyone knows they’re being recorded when they come into the courthouse,” because of all the security cameras, and that “the images [from the scans] are not saved for any specific purpose” (emphasis added). This is a troubling response that suggests the U.S. Marshals Service has failed to fully appreciate the seriousness of the issue. The perception of whole body imaging scans differs greatly from that of security camera footage, and therefore demands a higher level of sensitivity to the legitimate privacy concerns of those being scanned.

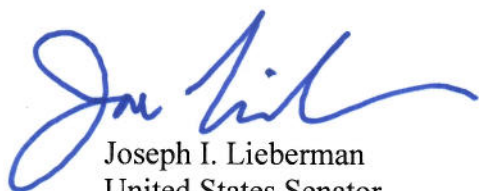
We request that you provide us with a full explanation as to why the U.S. Marshals Service was saving images from whole body imaging scans at the federal courthouse in Orlando. We also request that you identify any other locations where the U.S. Marshals Service is using whole body imaging technology, whether or not the images from scans taken at any of those locations are also being stored, and, if they are being stored, the reasons for retaining these images.

As you probably are aware, the Transportation Security Administration (TSA) has employed protocols for the use of AIT that includes a prohibition on the storage or retention of images from whole body imaging scans in most circumstances. We urge the U.S. Marshals Service to examine and adopt privacy protocols at least as strong as those adopted by TSA, which includes a prohibition on the storage or retention of images from whole body scans, and a prohibition on the transmission of these images by any other electronic device. We also


encourage you to consider the use of automatic target recognition (ATR) software with all AITs. This auto-detection software addresses many of the privacy concerns raised by the AITs by eliminating the need for a federal security official to view the images generated by scans. ATR is already in use at Schiphol International Airport in Amsterdam and is currently being reviewed by TSA for use in U.S. airports. Computer-based auto-detection technology, which identifies potentially threatening objects on a person using a featureless human body outline to highlight those areas of the individual that may require further inspection, would go a long way to address the legitimate privacy concerns many Americans have regarding whole body imaging technology.

Thank you for your attention to this matter. If you have any questions about this request, please contact us directly or have your staff contact Rob Strayer on Senator Collins's Homeland Security and Governmental Affairs Committee staff at (202) 224-4751 or Jason Yanussi on Senator Lieberman's Homeland Security and Governmental Affairs Committee staff at (202) 224-2627.

Sincerely,




Joseph I. Lieberman
United States Senator



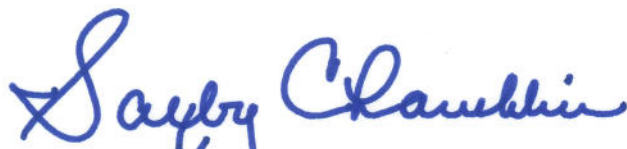
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