

**U.S. Department of Homeland Security
Transportation Security Administration (TSA)**

Response to OIG Draft Report

Transportation Security Administration's Screening of Passengers by Observation Techniques – Sensitive Security Information, March, 2013.

Recommendation 1: Develop and implement a comprehensive strategic plan for the SPOT Program that includes 1) mission, goals, objectives, and a system to measure performance; 2) a training strategy that addresses the goals and objectives of the SPOT program; (3) a plan to identify external partners integral to program success, such as law enforcement agencies, and take steps to ensure that effective relationships are established; and (4) a financial plan that includes identification of priorities, goals, objectives, and measures; needs analysis; budget formulation and execution; and expenditure tracking.

TSA concurs. While TSA agrees with this recommendation, it disagrees with the statements in the report that “TSA has not implemented a strategic plan to ensure the program’s success,” nor developed performance measures for the program. Although in draft form until December 2012, the Program operated under the strategic plan and began implementing many of the strategic objectives, including developing a performance metrics plan and continuing to analyze the effectiveness of behavior detection and analysis.

Consistent with Office of Management and Budget (OMB) Circular A-11, the SPOT Strategic Plan defines its mission, goals, objectives, and actions that the Program will take to realize goals and monitor progress. In fact, in November 2012, the Program published and immediately began implementing the Behavior Detection and Analysis Division Performance Metrics Plan outlining the Program’s approach to developing a comprehensive system for effectively measuring SPOT performance. Specifically, the performance metrics plan identifies current gaps in performance metrics collection, initiatives to address metrics gaps, and resource requirements for the next 3 years. The plan includes a set of performance metrics that allow for continuous performance tracking and evaluation, including:

- Performance measures for selecting, hiring, and training BDOs;
- Performance measures for evaluating individual BDO performance and effectiveness; and
- Performance metrics for evaluating program effectiveness as a whole, including which behaviors lead to a high probability of a BDO encountering and detecting high-risk passengers.

The Program is in the process of updating the strategic plan to reflect the organization’s recent realignment. The Plan will elaborate on the Program’s efforts to work with external partners such as law enforcement, which the TSA already does on a consistent basis. Additionally, TSA will execute a BDO training strategy elaborating on many of the efforts that are currently underway. Finally, the Program will continue to produce a yearly spend-plan that identifies goals, objectives, budget formulation and execution, and expenditure tracking. In sum, all of the

components of a comprehensive strategic plan are in place with efforts underway to achieve full implementation.

TSA finalized a strategic plan and performance measurement plan and began implementing many of the objectives in these framework documents. Therefore, TSA requests that OIG consider this recommendation implemented and closed.

Recommendation 2: Develop and implement controls to ensure completeness, accuracy, authorization, and validity of referral data entered into the Performance Measurement Information System.

TSA concurs. The Performance Measurement Information System (PMIS) records SPOT operational data. The system captures information including arrests and the surrender of prohibited items. The Program has taken measures to ensure the completeness, accuracy, and validity of SPOT data already submitted into PMIS and developed further controls within the system to prevent future errors.

In December 2012, the Program completed a data audit of all SPOT referrals entered into PMIS between March 2010 and August 2012. The Program provided mandatory guidance that airports correct technical and administrative errors by amending the PMIS records through a comparison with the hard copy referral sheets that are maintained locally. Corrections are documented in spreadsheets noting that the PMIS record was changed, when appropriate, or that there was a reason why the report was filled out with those fields and thus did not constitute an error. The entire audit and remediation process will be finalized by May 2013, for all but five airports, the last of which will be completed by July 2013. The Program will continue large-scale data audits to ensure the validity and accuracy of SPOT referral data. Additionally, the Program created a report for SPOT Transportation Security Managers (STSM) giving them the ability to locally monitor and correct errors on a regular basis.

The Program also has two significant Information Technology initiatives underway to enhance the accuracy and validity of SPOT data. The first initiative, to be implemented in the beginning of May 2013, modifies the current SPOT module, including turning off the 72-hour auto-promote function and adding drop down menus and check boxes to capture SPOT referral data. It also includes additional required fields and business rules to ensure more accurate and complete reporting. This initiative will facilitate data integrity in the field and ensure that all entries into PMIS have been reviewed and approved by an STSM for quality assurance. BDOs and STSMs were trained on this new form the week of April 22-26, 2013, via Adobe Connect sessions, conferences calls, and guidance documents provided on the STSM iShare site.

The second initiative creates a new SPOT database that will be more flexible, reduce data entry requirements to the fullest extent possible, and have extensive analytical capabilities, including better trend analysis of indicators resulting in detection of a high risk passenger (system requirement phase completed March 2013; design and development phases will be completed over the next 12 months).

These system modifications provide the necessary controls to ensure completeness, accuracy, proper authorization, and validity of the referral data entered into the PMIS system. Therefore, TSA requests that OIG consider this recommendation implemented and closed.

Recommendation 3: Develop and implement a plan that provides recurrent training to BDO instructors and BDOs.

TSA concurs. TSA has developed and implemented a plan to provide recurrent training for BDO instructors and refresher training for the BDO workforce. At the same time, TSA has added additional Online Learning Center (OLC) requirements specifically for BDOs.

BDO Instructors: All National Training Team (NTT) instructors, including those currently assigned to the NTT, will attend an academy where they will be taught and evaluated on teaching techniques. Specifically, they will receive the Office of Law Enforcement/Federal Air Marshal Service Instructor Development Course. They will also receive training on the technical content of courses that the NTT teaches including BDO SPOT Basic Training and BDO Refresher Training. They are further required to complete Train-the-Trainer (T3) training for the courses they will be teaching. Graduates of the NTT Academy deploy as members of the NTT for a 6-month period during which they shadow qualified instructors and undergo a mentoring process. At any point in the process, instructors failing to meet standards are removed from the qualified list of those who can instruct BDO courses. The Office of Training and Workforce Engagement (OTWE) and BDAP will collaborate on providing instructors with recurrent training and/or guidance if curriculum content changes.

BDOs: Refresher Training is integral to an effective training program because work conditions and policies change over time. Additional or updated training ensures that the program's mission continues to be accomplished effectively. During calendar year (CY) 2011, 232 BDOs attended 12 Refresher Training classes; while in 2012, 481 BDOs attended 24 Refresher Training classes. BDAP has realigned NTT resources for calendar year 2013 to ensure that all eligible BDOs² complete Refresher Training by the end of December 2013. To that end, from February 11 through March 9, 2013, NTT members conducted 12 refresher classes for 388 BDOs from 10 airports. In April 2013, an additional 177 BDOs will be trained during 8 refresher classes. Thus, by the end of April 2013, 1,278 of the approximately 2,020 eligible BDOs will have received refresher training. Planning is ongoing to conduct an additional 30 refresher classes during the remainder of CY 2013 to provide training to all eligible BDOs who have not yet received refresher training. TSA recognizes that ongoing training on a frequent basis is critical to maintaining and enhancing skills learned during BDO SPOT Basic Training. Each year, the Program Office will provide a gap analysis to OTWE identifying performance factors and future objectives which OTWE will use to update the prior year's Refresher Training. The Program will frequently provide the updated training ensuring that BDOs maintain essential skills.

Additionally, to assist local airports, in January 2013, BDAP launched a series of training scenarios for STSMs. These scenarios help STSMs engage with their employees, assist BDOs in reviewing critical procedures, and apply critical thinking as a team. Further, OTWE will add five new OLC courses to the BDO learning plan during calendar year 2013, and will update two

² BDOs are eligible to receive Refresher Training after 4 months.

current OLC courses. These OLC courses focus on critical skills in the areas of report writing, property searches, Walk the Line procedures, and Causal Conversation techniques. OTWE has also begun updating the SPOT Basic and SPOT Refresher Training courses, incorporating Standard Operating Procedure (SOP) updates, enhanced instructor notes and instructor best practices with an estimated completion date no later than August 2013.

The completed and planned refresher training for BDO instructors and BDOs is comprehensive. Therefore, TSA requests that OIG consider this recommendation implemented and closed.

Recommendation 4: Develop and implement a plan to assess BDO instructor performance in required core competencies on a regular basis.

TSA concurs. On April 2, 2009, the BDAP published a National Training Team (NTT) Guide for Instructors and Federal Security Directors (FSD). This training guide provided day-to-day operational guidance for members of the NTT. Since this guide did not address the certification and recertification of instructors, the Program will issue a new version in May 2013. It will include a plan to regularly assess BDO instructor performance in core competencies. The May 2013 Handbook will provide the following guidelines:

- All instructors will be evaluated annually in accordance with OTWE's Quality Assurance (QA) and Compliance Program OSO-OTT/QACP-SOP-05/2012 and must receive a QA evaluation with a "Meets Expectations" or better rating. The QA assessment will be conducted during delivery of approved technical training courses in the program area in which the instructor is qualified to teach. If a QA evaluation rating below "Meets Expectations" is received, remediation and re-evaluation will be required. Instructors will be allowed a total of three attempts to achieve the "Meets Expectations" rating level. The third failure will result in the de-certification of the instructor and removal from the NTT. This is consistent with other TSA instruction programs and evaluation processes.
- Every quarter, all instructors assigned to the NTT will be provided feedback on their instructional skills. For classroom instructors, the feedback will align with the Transportation Officer Performance System for BDOs. During a BDO Basic Training mission, the designated Team Lead will complete a DHS Employee Performance Plan and Appraisal Form (EPPA) for BDOs for each instructor assigned to the mission. The Team Lead will provide feedback to the instructors along with a signed copy of the EPPA. The Team Lead will then provide a copy of the EPPA to BDAP, which BDAP will in turn provide to the instructor's Airport of Record (AOR).
- For Team Leads, the feedback will align with the Lead's Employee Performance Management Program (EPMP). STSMs assigned to the NTT shall provide the BDAP with a copy of their current EPMP form. For the quarterly feedback, a representative of the BDAP will observe the STSM during an NTT mission and, using appropriate competencies from the EPMP, provide feedback to the STSM along with a signed copy of the EPMP. The EPMP will also be provided to the STSM's AOR. These processes are consistent with how employees are evaluated when they are part of TSA National Deployment Force.

TSA has developed and implemented a plan to assess BDO instructor performance. Therefore, TSA requests that OIG consider this recommendation implemented and closed.

Recommendation 5: Monitor and track the use of non-SPOT related duties to ensure BDOs are used in a cost-effective manner and in accordance with the mission of the SPOT program.

TSA concurs. The Program is working on two major initiatives aimed at monitoring and tracking the use of BDOs to ensure that they are used in a cost-effective manner and in accordance with the mission of the SPOT program. These initiatives take into account that FSDs must retain the discretion to employ BDOs to meet a specific security threat or need. The initiatives are as follows:

BDO Efficiency and Accountability Metrics (BEAM) Database: BEAM provides airport management and TSA with a standardized tool to track and analyze BDO daily operational data, including BDO locations and time spent performing duties. The system streamlines the current methods of collecting this data, which varies by each airport. More accurate and complete data will allow for increased standardization of the program and improved analysis of the use of the behavior detection capability at airports nationwide. In October 2012, TSA began evaluating the tool at select airports refining the system requirements. In May 2013, the Program begins a nationwide rollout of BEAM, which will include further pilots, incorporation of updates/lessons learned, and procedures mandating airports' use of the system.

BEAM data will be closely monitored by BDAP providing information that was previously not readily available on use of BDOs. Using data from BEAM, TSA will analyze how to deploy BDO assets as part of the larger TSA security system, including, but not limited to, whether BDO deployment is maximized for operational effectiveness during peak travel times. Through analysis, the Program will gain insight to how BDOs are being regularly utilized, specifically how often they are performing duties outside of the scope of SPOT duties. The Program will work with other parts of OSO to conduct a cost-benefit analysis on whether these duties provide a meaningful addition to TSA's security system and are best carried out by a BDO. The Program will regularly report findings to FSDs, Regional Directors (RD), and other OSO leadership, as appropriate and needed.

Program Compliance Assessment Visits: In 2012, BDAP created the Program Compliance Assessment (PCA) team to assess compliance with the SPOT SOP through observation and participation in each airport's operation. In addition to SOP compliance, PCAs identify how airports are using BDOs via site visits and then validate these observations through BEAM.

In light of this comprehensive monitoring and tracking plan through BEAM and PCA visits, TSA requests that OIG consider this recommendation implemented and closed.

Recommendation 6: Develop and implement a process for identifying and addressing issues that may directly affect the success of the SPOT program such as the selection, allocation and performance of BDOs.

TSA concurs. TSA has developed and implemented the following processes for BDOs and STSMs to provide feedback, suggestions and concerns to BDAP:

- **TSA IdeaFactory:** On April 25, 2007, TSA launched the IdeaFactory, a Web-based tool that gives more than 50,000 field and headquarters personnel, including BDOs, a voice to communicate improvement ideas. IdeaFactory empowers TSA employees to develop, promote, and improve innovative ideas for programs, processes, and technologies without being filtered through the entire TSA community. Participants submit ideas, provide comments on how to improve new concepts, and endorse ideas, which they believe, should be recommended for implementation.
- **BDO Discussion Board Blog:** All BDOs have access to the SPOT iShare site, which includes a discussion board or Blog where they can provide ideas and thoughts.
- **Bi-Weekly Best Practices Conference Calls:** In November 2012, BDAP began bi-weekly conference calls with airports providing them with an opportunity to exchange best practices, raise concerns, and reinforce key programmatic procedures and policies.
- **SPOT Mailbox:** BDAP operates an email box for all BDOs to ask questions, make observations or solicit clarification on policies and procedures. The email box provides BDOs and STSM with an avenue to clarify policy, recommend new initiatives, and acknowledge BDOs' work. The Program aims to respond to each email within one week and also provides a weekly summary of all policy and procedures questions and answers to all STSMs. This information is shared with employees through airport Shift Briefs.
- **Best Practices iShare Site:** In January 2013, TSA launched a Best Practices iShare site, which builds upon the success of the biweekly best practices conference calls. At airports nationwide, FSDs, SPOT Coordinators, Managers, and BDOs have put innovation to work by creating tools that improve their operations. The goal of this site is to turn local good ideas into national best practices.
- **Bi-Weekly Shift Brief:** BDAP provides a Shift Brief to STSMs highlighting BDO work, including incidents that demonstrate adherence to proper procedures and effective outcomes, including, but not limited to, law enforcement intervention. The Brief also discusses new initiatives and provides exercises and talking points for Managers on critical topics.
- **Weekly Frequently Asked Questions:** Frequently Asked Questions are sent out to BDO Managers each week via the distribution list summarizing procedural questions posed to BDAP over the previous week.
- **Weekly Dashboard:** A weekly dashboard is provided to FSDs and field leadership, which captures operational metrics from the previous week and includes updates on programmatic initiatives.

- **Monthly Program Calls:** Monthly calls are conducted to provide FSDs, SPOT Coordinators, and STSMs with updates and notification of upcoming initiatives and changes.
- **PCA Visits:** PCA methodology will serve as a process for identifying and addressing issues that may directly affect the success of the SPOT program. Under the PCA Program, PCA Teams comprised of high-performing, specially-trained BDOs will observe and assess SPOT operations at airports on an annual basis, with the goal of promoting the consistent application of SPOT policies and procedures. The PCA Assessments will produce objective, quantitative data that will facilitate the analysis, identification, and tracking of operational issues and deficiencies that may require further exploration and, potentially, corrective action. Following PCA visits, airports will receive a structured report that analyzes the results of the PCA Team's observations and identifies any required remediation plans. Additionally, these reports will be available to RDs, OSO Division Directors, the OSO Assistant Administrator and others, as necessary. The PCAs will also serve as an additional mechanism for BDOs and STSMs to provide the BDAP feedback and obtain guidance on SPOT policies and procedures. In the future, BDAP anticipates that airports will self-assess using the PCA criteria which will not only standardize and improve the quality of self-evaluations, but also further enhance BDAP's and airports' ability to identify issues that may affect the success of the SPOT program.

These efforts and others, including adding an annual BDO survey will be captured in a BDO Communication Plan to be completed within the next 90 days. As part of TSA's process of updating its strategic plan for the SPOT program, TSA will review current selection, allocation, and performance criteria to determine if changes are warranted.