



Transportation
Security
Administration

SEP 27 2012

The Honorable Bennie Thompson
Ranking Member
Committee on Homeland Security
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Thompson:

Thank you for your letter of August 13, 2012, regarding allegations of racial profiling by Transportation Security Administration (TSA) Behavior Detection Officers (BDO) at Boston's Logan International Airport (BOS).

TSA acted swiftly in response to the allegations. We suspended Screening of Passengers by Observation Techniques (SPOT) operations at BOS for 72 hours to provide Combating Racial, Ethnic, and Religious Profiling training to all BDOs by the Office of Training and Workforce Engagement. The U.S. Department of Homeland Security's (DHS) Office of Inspector General (OIG) commenced an immediate investigation to determine whether there was substance to the allegations reported in the press.

If it is determined that any individual engaged in misconduct of any kind, appropriate disciplinary action will be imposed. Additionally, if the investigation determines that the program itself requires refinement to ensure that such misconduct will not recur, we will implement immediate changes. While it is true there have been allegations of similar misconduct at two other airports, I do not believe that these allegations should lead to a nationwide suspension of the behavior detection capability, an important component of TSA's layers of security.

SPOT is a behavior observation and analysis program that detects behaviors and activities that deviate from an established environmental baseline. It was developed based on behavior pattern recognition techniques used by various Government agencies and supported by scientific research. Any individual, regardless of race, ethnicity, or nationality, whose behavior meets or exceeds a predetermined threshold is referred for additional screening or to law enforcement. TSA does not condone the unlawful profiling of passengers. Consequently, safeguards are in place ensuring that racial and/or ethnic profiling does not occur, including the following:

- a. The SPOT program has undergone a Civil Liberties Impact Assessment that concluded existing TSA procedural and operational safeguards were sufficient to protect civil liberties.

- b. BDOs receive sensitivity and cultural awareness training as part of their required curriculum.
- c. BDOs work in pairs to confirm and validate each other's observations. This practice helps to ensure that only behavioral indicators included and trained in the SPOT program are used.
- d. BDO Managers are required to spend at least 24 hours each pay period performing SPOT, working alongside their BDOs. This ensures that the BDOs are properly supervised and are performing SPOT in accordance with established Standard Operating Procedures (SOP), and also that the BDO Manager maintains proficiency in SPOT to be able to recognize when it is not being performed correctly.
- e. The instructor-led training courses required of BDOs (New-Hire Basic SPOT Training and SPOT Refresher Training) includes sections on the unlawful use of racial and ethnic profiling. This includes why profiling is not tolerated and why it is not useful in the context of performing SPOT.

The SPOT program is extremely useful in identifying travelers who may present a terrorist threat. The high risk travelers identified through SPOT have demonstrated behaviors that indicate the possibility that they could pose a threat to transportation security.

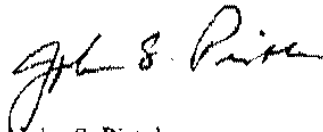
The SPOT Validation Study, sponsored by the DHS Science and Technology Directorate (S&T) and conducted by the American Institutes for Research (AIR), an independent party, was completed in April 2011. This study examined and validated the SPOT Referral Report mechanism in selecting high-risk passengers based on behavioral indicators. The findings revealed that SPOT is an effective program in identifying high-risk travelers.

In regard to the risk assessment and cost-benefit analysis, work has taken longer than originally expected to include a more rigorous analysis, given the data available. When complete, it will incorporate a comprehensive BDO allocation model that examines types of adversaries, the threat environment, and the risk environment. Once these reports are complete, I will be sure to share them with you.

I appreciate that you took the time to share your concerns with us and hope this information is helpful. If I may be of further assistance, please do not hesitate to contact me personally or the Office of Legislative Affairs at (571) 227-2717.

*Sam,
I look forward to
discussing this with
you later...*

Sincerely yours,



John S. Pistole
Administrator