

**From:** [Kerner, Francine](#)  
**To:** [List-Counsel-Deputies](#); [Dean, Juanita](#); ["Steven.Colon@dhs.gov"](#); [Bauer, John](#); [Flory, Gillian](#); [Kent, Linda <TSA OCC>](#)  
**Subject:** Fw: Proposal to Establish Accountability BDO Referrals  
**Date:** Thursday, August 16, 2012 10:01:43 AM  
**Attachments:** [Racial Profiling \(2\) \(2\).docx](#)

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Analysis please. Mary Kate, please take the lead.

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**From:** Walton, Kimberly  
**Sent:** Thursday, August 16, 2012 09:24 AM  
**To:** McLaughlin, Chris; Nicholson, David ; Hoggan, Kelly (TSA); Novak, Michael R; Payne, Sterling; Dietch, Sarah; Castelveter, David; Dean, Lynn; Fletcher, Kenneth; Kerner, Francine; Hardee, Sophia; Benner, William <OSO>; Dolan, Mark; Houston, Scott; Callahan, Heather; Tashiro, Susan; Bray, Bob  
**Cc:** Heffernan, Claire M.; Mondok, Chris  
**Subject:** Proposal to Establish Accountability BDO Referrals

All

This is a notional/draft pilot. As I mentioned earlier this week one way to move the discussion about racial profiling from rhetoric and accusation to a fact based discussion is to collect the information that refute concerns about the BDO/Assessor program or identify the nature of the problem. Hard facts will show either that TSA is not profiling or will reveal the nature and extent of the problem. This is a preliminary draft and I would welcome your feedback.  
Thanks

<<Racial Profiling (2) (2).docx>>

**From:** [Bauer, John](#)  
**To:** [Wheaton, Kelly](#)  
**Subject:** FW: Analysis of OCRL Racial Profiling Data Collection Proposal - Privileged and Confidential  
**Date:** Friday, August 17, 2012 8:56:23 AM  
**Attachments:** [TSA RACIAL PROFILING DATA COLLECTION PROPOSAL.doc](#)  
**Importance:** High

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Looks like you dropped off of this one

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**From:** Prosnitz, Susan <TSA OSPIE>  
**Sent:** Thursday, August 16, 2012 8:44 PM  
**To:** Kerner, Francine  
**Cc:** Whalen, Mary Kate <TSA OCC>; Flory, Gillian <TSA OCC>; McGivern, Tom <TSA OCC>; Bauer, John D <TSA OCC>  
**Subject:** Analysis of OCRL Racial Profiling Data Collection Proposal - Privileged and Confidential  
**Importance:** High

Francine,

Attached please find a preliminary analysis of the Office of Civil Rights and Liberties racial profiling data collection proposal. I will also leave a copy of my analysis and the OCRL proposal under your door for your 8:30 am meeting.

In response to your request, my background on racial profiling issues is as follows. I served as General Counsel for the Massachusetts Executive Office of Public Safety and Security when the state adopted a traffic citation data collection statute. I was responsible for the state's implementation efforts, which included, among other things, developing a data collection tool, working with a university to conduct data analysis, and drafting a model racial profiling policy. I chaired the statewide committee responsible for development of the data collection tool and for advising the academic expert as it created the benchmarks for data analysis. The committee included police chiefs, state agencies, community and advocacy organizations, and unions. It met regularly for approximately one year.

Please let me know if you need any additional information.

Susan

**Susan M. Prosnitz, Esq.**

Senior Counsel  
Office of Security Policy and Industry Engagement  
Transportation Security Administration

571.227.(b)(6) (office)

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**From:** [Kerner, Francine](#)  
**To:** [List-Counsel-Deputies](#); [Prosnitz, Susan](#); [Kent, Linda <TSA OCC>](#); ["Bauer, John D <TSA OCC>"](#); [Flory, Gillian](#)  
**Subject:** FW: Proposal to Establish Accountability BDO Referrals  
**Date:** Monday, August 27, 2012 1:54:43 PM  
**Attachments:** [Racial Profiling \(2\) \(2\).docx](#)

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**From:** Walton, Kimberly  
**Sent:** Monday, August 27, 2012 1:14 PM  
**To:** McLaughlin, Chris; Goldman, Howard <TSA Exec Ofc>; Sanders, John P <TSA OST>; Tashiro, Susan; Dolan, Mark; Kerner, Francine; Carraway, Melvin; Allison, Roderick J.  
**Subject:** FW: Proposal to Establish Accountability BDO Referrals

All

Based on the dialogue this morning, I have asked Peter Pietra to lead an IPT on race, gender, national origin, and religious data collection for the BDO/Assessor program. Please contact Peter Pietra asap with your representative for the team.

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**From:** Walton, Kimberly  
**Sent:** Thursday, August 16, 2012 9:24 AM  
**To:** McLaughlin, Chris; Nicholson, David ; Hoggan, Kelly (TSA); Novak, Michael R; Payne, Sterling; Dietch, Sarah; Castelveter, David; Dean, Lynn; Fletcher, Kenneth; Kerner, Francine; Hardee, Sophia; Benner, William <OSO>; Dolan, Mark; Houston, Scott; Callahan, Heather; Tashiro, Susan; Bray, Bob  
**Cc:** Heffernan, Claire M.; Mondok, Chris  
**Subject:** Proposal to Establish Accountability BDO Referrals

All

This is a notional/draft pilot. As I mentioned earlier this week one way to move the discussion about racial profiling from rhetoric and accusation to a fact based discussion is to collect the information that refute concerns about the BDO/Assessor program or identify the nature of the problem. Hard facts will show either that TSA is not profiling or will reveal the nature and extent of the problem. This is a preliminary draft and I would welcome your feedback.  
Thanks

**From:** [Kent, Linda <TSA OCC>](#)  
**To:** [Wheaton, Kelly](#); [Bauer, John](#); [Jagodzinski, Kimberly](#)  
**Cc:** [Thompson, Mardi](#)  
**Subject:** FW: NEW SPOT Referral Report Draft for SOP.xlsm  
**Date:** Wednesday, November 07, 2012 3:35:57 PM  
**Attachments:** [NEW SPOT Referral Report Draft for SOP.xlsm](#)

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I wanted to get your opinion on the question raised below regarding the new SPOT referral report.

(b)(5)

Linda

Linda L. Kent  
Assistant Chief Counsel, Security Standards  
Transportation Security Administration  
Phone: 571-227-(b)(6)  
Cell: (b)(6)  
Fax: 571-227-1381

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**From:** Tauber, Sarah  
**Sent:** Wednesday, November 07, 2012 10:36 AM  
**To:** Kent, Linda <TSA OCC>  
**Subject:** FW: NEW SPOT Referral Report Draft for SOP.xlsm

Note the part of (b)(3):49  
U.S.C. § 114(r)

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**From:** Tauber, Sarah  
**Sent:** Friday, November 02, 2012 10:05 AM  
**To:** Kent, Linda <TSA OCC>  
**Subject:** Fw: NEW SPOT Referral Report Draft for SOP.xlsm

LK,

Does this kind of thing go to you?

Sarah M. Tauber  
Behavior Detection and Analysis Division (Acting)  
Transportation Security Administration

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**From:** Balkovic, Tayla  
**Sent:** Friday, November 02, 2012 09:57 AM  
**To:** Tauber, Sarah  
**Cc:** King, Jennifer L; Maccario, Carl; Leaf, Stephanie  
**Subject:** NEW SPOT Referral Report Draft for SOP.xlsm

<<NEW SPOT Referral Report Draft for SOP.xlsm>>

Sarah,

Here is the new proposed SPOT form. Please send this to our legal POC for approval,

(b)(5);(b)(3):49 U.S.C. § 114(r)

If these do not get approved then we will have the ability to hide them or if there are recommended changes we can always make adjustments. Please let me know if you have any questions.

Thanks,

**Tayla Balkovic**

Behavior Detection and Analysis Division

Transportation Security Administration

Office of Security Capabilities

601 S 12th St, Arlington, VA 22202-4220

Desk: 571-227-

Cell:

Fax: 571-227-1941