

OCT 6 2010

U.S. Department of Homeland Security
601 South 12th Street
Arlington, VA 20598



Transportation
Security
Administration

The Honorable Bennie G. Thompson
Chairman
Committee on Homeland Security
U.S. House of Representatives
Washington, DC 20515-6480

Dear Chairman Thompson:

Thank you for your letter of August 17, 2010, co-signed by Subcommittee Chairwoman Sheila Jackson-Lee, regarding your concerns with the Transportation Security Administration's (TSA) Screening of Passengers by Observation Techniques (SPOT) program.

Let me first state my support for the SPOT program. I have been briefed on this program's principles and methods, which I believe are sound. Terrorist attacks have time and again exposed and exploited the vulnerabilities of policies, procedures, and technology. However, terrorists cannot "train" for a behavior-based screening protocol, which is what makes SPOT such a critical tool in our continued fight against terrorism.

TSA deployed the SPOT program to mitigate the threat of individuals with potentially hostile intent from boarding a commercial airplane and causing harm. Congress has encouraged the use of behavior recognition to enhance aviation security and has provided resources to support its implementation and expansion. The SPOT program fulfills the mandate of Section 1611 of the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110-53, that "TSA shall provide advanced training to the transportation security officers for the development of specialized security skills, including behavior observation and analysis...in order to enhance the effectiveness of layered transportation security measures."

Intelligence continues to show that there is no specific terrorist profile. In a March 10, 2010, hearing before the Senate Homeland Security and Government Affairs Committee, then-Acting Administrator Gale Rossides highlighted the challenge faced by TSA leaders in "balancing the requirement to screen all passengers and to actually focus our officers' attention on the right passengers." TSA designed SPOT to increase its ability to focus on the "right passengers" by identifying persons exhibiting behaviors and appearances indicative of potential hostile intent.

I am very pleased to inform the Committee that TSA is in the process of issuing Secret-level security clearances to all behavior detection officers (BDO) and BDO Transportation Security Managers. This will significantly enhance TSA's ability to leverage the best intelligence and elevate our security practices across the board. BDOs will have access to valuable information in order to better combat those who would do us harm.

TSA is currently working with the U.S. Department of Homeland Security's (DHS) Science and Technology (S&T) Directorate on a validation study of the SPOT program.

The series of studies involved in this research is designed to assess the validity of the SPOT scoring system, including the use of individual behavioral indicators to identify high-risk travelers. More specifically, S&T's research plan aims to examine the extent to which these behavioral indicators are appropriate for screening purposes and lead to appropriate and correct security decisions. Results of this work will establish a scientific basis for the extent to which the SPOT program, including its instrument and methods, are valid. This will include an assessment by an independent peer review panel and input from other Federal agencies and relevant subject matter experts who have expertise in behavior detection.

This ongoing validation study is the first of its kind. No other large-scale U.S. or international screening program incorporating behavior- and appearance-based indicators has ever been rigorously scientifically validated. This research is expected to be completed in fiscal year 2011. However, preliminary analysis of the data collected (approximately 80 percent of total needed sample size) shows that SPOT is an extremely effective measure when compared to a systematic random screening protocol.

In addition to the validation study being conducted by DHS S&T, the SPOT program has also been working with the Federal Bureau of Investigation's (FBI) Behavioral Sciences Unit (BSU) on a recent initiative called the Terrorism Research and Analysis Project (TRAP). TRAP is a research consortium of international/domestic academics and law enforcement officers. The goals of TRAP are the development of practical research tools that provide a better understanding of the cause and effects of terrorist activity and possible Government response tactics to mitigate the terrorist's actions. A SPOT program representative was a presenter at the first TRAP Symposium in August 2009. The SPOT program has also been identified by BSU as a subject of study for the project.

Your letter stated that the Government Accountability Office has found that TSA has yet to conduct a risk assessment for the SPOT program and that TSA is unable to demonstrate whether SPOT is useful for preventing aviation security breaches or enhancing security for aviation employees or the traveling public. TSA concurred with this finding and the associated recommendation and has since conducted a risk analysis of the SPOT program to determine the impact BDOs have on adversary success. TSA used the Risk Management Analysis Tool (RMAT) to conduct the analysis. RMAT is an agent-based risk simulation model. The initial results showed that: BDOs are comparable in risk reduction to many of the technologies TSA deploys; BDOs have an impact across multiple risk scenarios, which is a capability not seen in most technology; and BDOs add a layer of security that is not easily overcome. Additionally, the risk analysis demonstrated that applying SPOT procedures to all passengers had a significant additional impact on risk reduction.

In your letter, you state that the U.S. Customs and Border Protection (CBP) and Dutch approaches to conducting behavior assessments, which involve dialogues with passengers, can lead to more precise identifications of malicious intentions than those that rely solely on subjective judgments of passengers' physical appearance. I agree with that statement, which is why several such measures are incorporated into the SPOT program. SPOT is based on objective, not subjective criteria. As part of the SPOT procedures, BDOs are trained to "walk the line" and engage as many passengers as

possible through casual conversation in the queue at the security checkpoint. Additionally, if a passenger has been identified by a BDO for additional screening, the BDO will engage the passenger in an interview (b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 1 If such consistencies or deceptive behaviors continue or new behaviors are displayed, law enforcement may be notified for further resolution.

I am pleased to comply with your request for information on several topics of interest to you. The following answers are provided to the Committee:

1. The Committee received summaries of SPOT program testing in a few airports. Please provide the criteria used for selecting these sites.

The concept and procedures for SPOT originated at Boston Logan International Airport (BOS), making it the first pilot airport. After that, T.F. Green State Airport (PVD) in Providence, RI, and Portland International Jetport (PWM) in Portland, ME, were added because the pilot was still being run out of BOS. Geographically it made sense for BOS to maintain oversight of the pilot. Also, PVD is a Category I and PWM is a Category II airport, which enabled smaller airports to pilot the concept.

2. Additionally, the summaries the Committee received reflect what appears to be a small sample size of the American traveling public. The data accompanying the charts appears to be incomplete since it does not note the entire sample size during the Passenger Assessment Screening System test periods. What is the universe of the sample size for the SPOT program?

- a. What areas were Behavior Detection Officers (BDOs) asked to cover during the program?
- b. Were BDOs equally distributed across all gates at these airports or was there a small group of BDOs walking throughout the airport?

BDOs were stationed at checkpoints and gates with the emphasis on providing coverage at checkpoints. BDOs were not equally distributed across all gates at the airports, but rather, multiple small teams of BDOs would observe passengers throughout the airport.

3. In addition to the aforementioned SPOT program testing sites, please provide the location and test results gained from any and all other sites at which the SPOT program may have been used.

After the initial piloting at BOS, PVD, and PWM, SPOT expanded to an additional 11 airports. They are: Minneapolis-St. Paul International Airport (MSP), Bangor International Airport (BGR), Cincinnati International Airport (CVG), Dallas-Fort Worth International Airport (DFW), Detroit Wayne County International Airport (DTW), Washington-Dulles International Airport (IAD), Houston Intercontinental Airport (IAH), John F. Kennedy International Airport (JFK), Los Angeles International Airport (LAX), Miami International Airport (MIA), and Chicago-O'Hare International Airport (ORD). TSA used the lessons learned from the original 3 pilot airports to develop the training curriculum, job knowledge test, and certification requirements for SPOT to be an official

program. As stated previously in this letter, SPOT is conducting research to further validate the program's principles and methods.

4. In TSA's SPOT Participant Guide, the Department of Homeland Security states its policy prohibiting "consideration of race or ethnicity in routine law enforcement activities, such as criminal investigations and traffic enforcement." What steps did TSA take to ensure that the behavioral and other factors used in the SPOT program did not result in racial profiling?

Race and ethnicity are not factors taken into consideration in the SPOT program. Additionally, TSA has taken numerous steps to ensure that the behavioral and other factors used in the SPOT program do not result in unlawful racial profiling. They are as follows:

- a. The initial training curriculum was reviewed by TSA's Office of Civil Rights and Liberties, the DHS Civil Rights and Civil Liberties Office, and TSA's Office of the Chief Counsel to ensure the behavioral and other factors used in the SPOT program do not result in racial profiling.
- b. The SPOT program has undergone a Civil Liberties Impact Assessment and a Privacy Impact Assessment to ensure there are proper measures in place to mitigate the potential for racial profiling.
- c. BDOs receive sensitivity and cultural awareness training as part of their required curriculum, and this training is a prerequisite for attending the BDO Basic Training Course.
- d. A "zero-tolerance" policy of unlawful racial profiling is reinforced during the SPOT Basic Training Course.
- e. BDOs work in pairs to validate each other's observations. If a BDO notices that a fellow BDO is not performing SPOT in accordance with established Standard Operating Procedures (SOPs), he or she may address that with the BDO Manager on duty.
- f. BDO Managers are required to spend at least 24 hours per pay period on the floor working with BDOs. This ensures that the BDOs are properly supervised and perform SPOT in accordance with established SOPs, and also ensures that the BDO Manager maintains proficiency in SPOT to be able to recognize when it is not being performed properly.

I would also like to note that racial profiling was not an issue raised in the GAO audit of the SPOT program, further demonstrating that the appropriate safeguards are in place.

5. What are the training parameters for BDOs in the SPOT program?

- a. Provide detailed description of initial SPOT training for BDOs.
- b. How often and what is the duration of recurrent training for BDOs?

- c. **What prerequisites are BDOs required to meet to qualify for training in the SPOT program?**
- d. **Describe the selection process for an individual seeking to be employed as a BDO.**
- e. **How does TSA ensure that SPOT staff does not confuse cultural behaviors with behaviors of deception?**

The SPOT Basic Training is currently a 7-day course. The first 3 days of the course are classroom training, and the final 4 days are spent conducting on-the-job training (OJT). SPOT training is typically conducted with a four-to-one student/teacher ratio. During the classroom phase, students are instructed in the principles of behavior theory, the legal basis of the program, and the psychology of suicide terrorism. Students also participate in two airport activities during the classroom phase in which they experience how SPOT is conducted in a live environment. At the conclusion of the classroom phase, students must pass a written job knowledge test before they are permitted to move on to the second phase, OJT.

During the OJT phase, students are brought to a live airport environment where, under close supervision of their instructor, they apply the information they learned in the classroom. Students are evaluated each day and at the conclusion of OJT. After successfully completing OJT, a student is then certified as a BDO and is able to perform SPOT. Candidates who fail to successfully complete either the classroom or OJT portion of the BDO training are disqualified from being BDOs and return to their home airport to resume their previous duties.

TSA is currently developing a formal recurrent training plan for BDOs. However, Standardization Teams conduct refresher training at SPOT airports to reinforce the principles learned during SPOT basic training. The current schedule provides an airport with an assist visit approximately every 18 to 20 months. In addition, BDOs can practice their behavior observation and analysis skills using written and video scenarios available on TSA's Online Learning Center. BDOs are also provided with training on how to properly write incident reports.

To apply for a BDO candidate position, an applicant must be a current TSA employee and have a year of experience as a Transportation Security Officer or related security experience. Vacant BDO positions are advertised online. Applications for BDO positions are evaluated and rated, and a certificate of eligible candidates is sent to the advertising airport. Candidates are interviewed, and the final selection is determined by the airport's Federal Security Director (FSD), using *The Administration Guide for Behavior Detection Officer (BDO) and Transportation Security Manager – BDO (TSM – BDO) Selection, Version 6*.

TSA is currently working with DHS S&T on a BDO selection study to ensure the most capable candidates are chosen for the position. A critical component of the selection study is the recently completed job task analysis. TSA and DHS are currently reviewing the results. An important outcome of the job analysis update will be an accurate understanding of the current tasks and the knowledge, skills, and abilities (KSA) required for optimal performance of the BDO job. More specifically, the job analysis will provide

information about which KSAs will be included in the selection system and which KSAs need to be taught in training. This content will be used to review training curriculum and the objectives of the SPOT training program. It will also be used, if needed, to develop new training content or revise existing training content to ensure alignment with the current requirements of the job. Lastly, evaluations of the training program can be developed to determine if trainees have acquired the critical KSAs to perform the job of a BDO. The results of the job analysis update can also be used to support other human resource management systems (recruitment, selection, performance management, etc.), depending on the needs of the Agency.

Regarding your inquiry of how TSA ensures that SPOT staff does not confuse cultural behaviors with behaviors of deception, BDOs are given mandatory sensitivity and awareness training on several cultures to make them aware of events and occurrences that may be unfamiliar to them.

6. According to the aforementioned GAO report, TSA developed the list of “stress elevators” for the program and the point system used to identify passengers for referral screening after consulting with experts. Please provide the list of experts TSA consulted with to develop this list of behaviors and point system and identify the respective employer of each expert.

The list of behaviors used in the SPOT program were partially developed from the initial working group that culled behaviors from CBP’s Rover Program, the FBI Suicide Bomber Indicator Guide, and the U.S. Drug Enforcement Administration’s JetWay Interdiction program. In addition, our program subject matter expert received training material from Israeli instructor Chaim Koppel, Instructor for International Security Defense Systems. Also, studies by Dr. Mark Frank of the University of Buffalo; Dr. Paul Ekman (retired) of the University of California, San Francisco; and Dr. David Matsumoto (founder of Humantel) of the University of California, San Francisco, regarding cross-cultural emotion as it relates to deception and evaluating truthfulness were utilized. These scientists were receptive to the SPOT concept.

During the early stages of piloting, Dr. Mark Frank was given the opportunity to observe the SPOT program and to discuss the various aspects of the program. In an excerpt from a December 2005 e-mail to the SPOT subject matter expert, which Dr. Paul Ekman was copied on, Dr. Frank stated that “this program is going exactly in the right direction in terms of behavioral approaches to detecting people with hostile intent... We are also impressed with your willingness to allow scientifically trained people like ourselves to get involved, to formally test these ideas, to ultimately make for an even better program. In summary, based upon what we know now, we think that the basic approach of the SPOT program is THE right way to go in terms of behavioral observation techniques.”

7. How did TSA determine the relative rank and corresponding point assignment for behaviors?

The (b)(3):49 U.S.C. § 114 values were given to behaviors that are basic autonomic reactions to (b)(3):49 U.S.C. § 1 such as those people may show when transiting an airport checkpoint. Signs that may indicate fear of discovery were weighted (b)(3):49 U.S.C. § 114(r)

The (b)(3):49 U.S.C. § 114(r) values were given to behaviors that are basic autonomic reactions to (b)(3):49 U.S.C. § 114(r) such as those people may show when transiting an airport checkpoint. Signs that may indicate fear of discovery were weighted (b)(3):49 U.S.C. § 114(r) (b)(3):49 U.S.C. § 114(r) Signs (b)(3):49 U.S.C. § 114(r) (Transportation (b)(3):49 U.S.C. § 114(r) associated with the fear of discovery (b)(3):49 U.S.C. § 114(r) (b)(3):49 U.S.C. § 114(r) The thresholds were also built in to reflect the volume and diversity demographics of our flying public and to take into consideration that people are often nervous and anxious when they travel.

8. If TSA did not consult with external experts, please provide a listing of any and all research TSA consulted in developing the list of behaviors and relative point values.


In addition to the external experts cited in the response to #6, TSA utilized research on emotions and behavior indicators by Dr. Paul Ekman and Dr. Mark Frank, *Principles of Kinesic Interview and Interrogation* by Stan Walters, the Massachusetts State Police Interview Course, and interview techniques learned from the Israeli interview training received by the SPOT program's subject matter expert. In addition, research on nonverbal indicators by Dr. David Givens of the Center for Nonverbal Studies (a frequent lecturer to the FBI) was used as support for the choice of several of the behavioral indicators. Also, the development of the program was based on related DHS research and information from the training curricula from other Federal agencies, such as the Federal Transit Association and the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

In closing, SPOT is an important program and an integral part of TSA's layered security approach. To date, more than 13,000 law enforcement officers and more than 20 countries have been briefed on the program due to the high level of interest, and TSA continuously receives requests from others. More than 1,900 individuals at 151 airports have been arrested as a direct result of SPOT screening, and a significant number of those arrested were "insiders," that is, airport employees who were intentionally trying to bypass security measures and introduce prohibited items into a sterile area. I am fully confident that the ongoing validation study and other initiatives being undertaken by TSA will continue to establish SPOT as the premiere behavior-based aviation security program in the world.

I appreciate that you took the time to share your concerns with me and look forward to working with you on this and other homeland security issues. An identical letter has been sent to Chairwoman Jackson-Lee. If I may be of further assistance, please contact me personally or the Office of Legislative Affairs at (571) 227-2717.


Glad to discuss further at your convenience.

Sincerely yours,



John S. Pistole
Administrator

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TSA CONTROL NUMBER
NEW TSA- OLD TSA-100830-023
THOMPSON- JACKSON LEE

ORIGINATING OFFICE: OSO
WRITER: Ryan Oswald
PHONE: 7 (b)(6)
DUE DATE: 9/21/10

TSA Executive Level Clearance Sheet

AA Approvals:	Date:	SUBJECT:
1. Lee Kair (b)(6) - 2851/10	9/14/10	100.1 ~ Chairman and Chairwoman have serious concerns about TSA's deployment and continued use of the Screening of Passengers by Observation Technique SPOT program. (SPECIAL COUNSELOR WOULD LIKE TO REVIEW) 9/17/10
2. See Quavia		
3.		

OFFICE OF THE EXECUTIVE SECRETARIAT PREPARATION

Title	ES Editor	Date	Approve	Approve w/ edits	Reject	Comments
IMS	Quovia Peyton	9/14/2010	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Folder to Jewel KS
W/E	(b)(6)	9/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TO M. ROSS
Sr. W/E		9/17/10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	To Tracy

OFFICE OF THE EXECUTIVE SECRETARIAT APPROVAL

To: OLA	(b)(6)	9/17/10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TO OLA via email
To: FO		9/22/10	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TO R Pme

CLEARANCE

Check all Needed	Review Requested?			Action Taken				Comments
	Reviewer	Office	Initials	Approve	Approve w/ edits	Reject	Use Autopen	
<input checked="" type="checkbox"/>	LaVita LeGrys	OLA	(b)(6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	See email enclosed
<input checked="" type="checkbox"/>	Francine Kerner	OCC		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	See email
<input checked="" type="checkbox"/>	Kim Walton	OSC		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<input type="checkbox"/>	Art Macias	Chief of Staff		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	
<input checked="" type="checkbox"/>	Francine Kersti	Staff Director	(b)(6)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	N/A	Comprehension + perhaps defensive unnecessary

APPROVAL

<input type="checkbox"/>	Gale D. Rossides	Deputy Administrator	(b)(6)	9/21/2010	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	John S. Pistole	Administrator		10/3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See tabs

Explanation, Special Instructions, Comments:

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TSA CLEARANCE SHEET

ORIGINATOR

Ryan Oswald

DOCUMENT FOR ACTION

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Action Memo

Letter

OSO

09/14/10

Info Memo

Other

SUBJECT:

100.1 ~ Chairman and Chairwoman have serious concerns about TSA's deployment and continued use of the Screening of Passengers by Observation Technique SPOT program. (SPECIAL COUNSELOR WOULD LIKE TO REVIEW)

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1. DBurche/OSO/7 (b)(6) Holmgren/loeSam
uels/OSO/7 (b) Lenihan/OSO/7 (b) L
Kair/OSO/7 (b)

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3. Lee Kair

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Explanation, Special Instructions, Comments: