

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



Transportation
Security
Administration

JUL - 5 2013

Ms. Maya Berry
Executive Director
Arab American Institute
1600 K Street NW, Suite 601
Washington, DC 20006

Dear Ms. Berry:

On behalf of Secretary Janet Napolitano, thank you for your letter of June 7, 2013, regarding the Transportation Security Administration's (TSA) Screening Passengers by Observation Techniques (SPOT) Program. You raise concerns regarding the effectiveness of the SPOT program; allegations of racial, ethnic, and religious profiling; and conclusions from a recent U.S. Department of Homeland Security (DHS) Office of Inspector General (OIG) report.

First, I want to extend a special thanks to Dr. James Zogby and Ms. Yasmine Taeb for the time they spent meeting with me on June 24, 2013. I spoke candidly at that meeting to help alleviate concerns expressed in your letter and by Dr. Zogby and Ms. Taeb. I welcomed issues and concerns expressed about the SPOT Program but clearly stated my support for the Program and the science behind it. I also reiterated several times my zero tolerance for any unlawful profiling based on race, national origin, religion, or any protected basis.

The SPOT Program is a critical part of TSA's risk-based security strategy and one of many layers designed to increase the effectiveness of the system. This strategy focuses resources where there is the greatest risk, while improving the experience for the traveling public. SPOT is based on behavior pattern recognition techniques used by security personnel across the world and supported by scientific research. In April 2011, DHS's Science and Technology Directorate completed a study examining the validity of the SPOT Referral Report in the context of checkpoint screening. This research examined the extent to which using the SPOT Referral Report and its indicators leads to correct screening decisions at the security checkpoint. The findings revealed that SPOT is nine times more effective than random selection at identifying high-risk passengers--those attempting to defeat the security screening.

In 2012, TSA initiated further review of the SPOT program by a third party, independent group of subject-matters experts under a contract with American Institutes for Research (AIR). Over the next year, AIR will work with TSA on determining the optimal categorization of indicators used on the SPOT referral sheet, evaluate the feasibility of collecting race and ethnicity data, and assist in developing Program performance metrics. Consistent with other AIR studies, all work will be subject to an independent panel review.

In response to the 2012 allegations at Boston Logan International Airport, the DHS OIG is investigating the specific allegations of racial profiling. We will carefully and thoroughly review the OIG's report and take appropriate action should the findings substantiate the allegations.

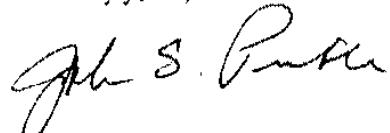
TSA also initiated several independent actions in the immediate aftermath of the allegations reported in the *New York Times*. The Agency acted swiftly and suspended operations temporarily in order to provide the Office of Training and Workforce Engagement's Combating Racial, Ethnic, and Religious Profiling training to all Behavior Detection Officers (BDOs) at Boston Logan International Airport. TSA also required all BDOs nationwide to complete this required training re-emphasizing this Department's position against racial profiling within 60 days. SPOT does not use nor does it condone the use of racial, ethnic, religious, or any other type of profiling.

Finally, as to the DHS OIG report publicly issued on June 4, 2013, TSA was in the process of implementing several of the recommendations identified in the report, including adoption of a strategic plan for the Program, prior to the issuance of the audit findings. The OIG acknowledged that TSA had provided a draft strategic plan during the audit as well as a draft performance metrics plan, return on investment study, and spend plans.

In conclusion, TSA believes passengers at U.S. airports are screened in an objective manner; SPOT is effective; and the program is executed in an efficient manner. Finally, I would like to express my thanks and gratitude to Dr. Zogby and Ms. Taeb who also participated in the May 20, 2013, meeting regarding the SPOT Program and TSA's plan to conduct further studies on the feasibility of collecting race and ethnicity data to evaluate whether ethnic or religious skews may exist in the SPOT Program.

We sincerely appreciate your partnership and look forward to meeting again. If I may be of further assistance, please do not hesitate to contact me personally or Ms. Kimberly Walton, Assistant Administrator for the Office of Civil Rights & Liberties, Ombudsman and Traveler Engagement, at (571) 227 (b)(6)

Sincerely yours,



John S. Pistole
Administrator