

Combating Racial, Ethnic, and Religious Profiling Instructor Guide

Purpose: To provide Behavior Detection Officers (BDO) and Transportation Security Officers (TSO) with an overview of the concept to combat racial, ethnic, and religious profiling. For ease of reference we will refer in this training to all these types of profiling as “racial profiling.”

Lesson Time: 2 hours

Instructor Materials	Participant Materials
- Instructor Guide - Laptop	none

Icon	Description
	Activity identifies where activities take place during the delivery.
	Facilitated Discussion identifies where discussions led by the instructor take place during the course.
	Question Mark identifies where the instructor should ask questions.

Overview

This lesson will provide Behavior Detection Officers (BDO) and Transportation Security Officers (TSO) with an overview of the concept of combating racial, ethnic, and religious profiling

Activity: Ground Rules



Facilitated Discussion: Ask participants to suggest guidelines for classroom conduct. Document participants' ideas on a flipchart and post it on the wall for their reference for the duration of the course.



Flipchart: Classroom Norms

Topics to consider concerning the learning environment:

Instructions:

- No finger pointing
- No names
- Be respectful of others' opinions.
- Management is here as a participant to listen and advise, not as an impediment to discussion or for disciplinary purposes.
- Retaliation against someone who makes a complaint about potential civil rights violations is prohibited by federal law and regulation.

Recent Media Attention

Instructor Note: This is the link to the news article for reference – in case instructor wants to read the article before class:
<http://www.nytimes.com/2012/08/12/us/racial-profiling-at-boston-airport-officials-say.html?pagewanted=all>

We know you are aware of the recent media attention, that's why we are here. Let's take a moment to review what has happened.

Provide the following example:

- Source: New York Times, Saturday 8/11/2012
- Headline: Racial Profiling Rife at Airport, U.S. Officers Say



Ask: How does this make you feel?

Answers: Answers will vary.



Ask: Is this an accurate portrayal of the SPOT program in the media?

Answer: Answers may vary.



Ask: How would you describe the SPOT program?

Answers: Answers will vary.

Teaching Point: emphasize to participants it is important that this training not limit what management can learn from participants about what is actually going on in the program.

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Let's review TSA's Missions, Vision, and Core Values and the impact to your job as a BDO and TSO.

TSA's Mission, Vision, and Core Values



Ask: What is TSA's mission?

Answer: The Transportation Security Administration protects the Nation's transportation systems to ensure freedom of movement for people and commerce.



Ask: How do you support or impact the mission?

Answers: Answers will vary.



Ask: What is TSA's Vision?

Answer: The Transportation Security Administration will continuously set the standard for excellence in transportation security through its people, processes, and technology.



Ask: What is your role in carrying out the vision?

Answers: Answers will vary.



Ask: What are TSA's core values?

Answer:

Instructor Note: Stress the importance of integrity as an officer for TSA.

- Integrity
- Innovation
- Team Spirit



Ask: What does this mean and how is it demonstrated?

Answers: Answers will vary, but should include examples of integrity on the job.

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Now that we've reviewed the TSA Mission, Vision, and Core Values, and how each individual plays a critical role on the success of the organization, let's discuss what constitutes profiling.

What is racial profiling?



Ask: What is racial profiling?

Answer: Here is the official definition on profiling by the Department of Homeland Security (DHS):

Instructor Note: Use the answers shown throughout the lesson to guide discussion, and encourage dialogue. Validate responses from participants, and encourage input from everyone in the class.

Racial profiling is the offensive and objectionable use of race or ethnicity as a criterion in conducting stops, searches, SPOT Referral Screening, or other law enforcement activities.

Source: Department of Homeland Security's Commitment to Race Neutrality in Law Enforcement Activities, June 1, 2004



Ask: Racial profiling is premised on an incorrect assumption. What is that?

Answer: Racial profiling is premised on the assumption that an individual of one race or ethnicity is more likely to engage in misconduct than an individual of another race or ethnicity.

Instructor Note: Similar false assumptions would underlie profiling on the basis of religion or disability.



Ask: Is profiling based on race, ethnicity, religion or disability legal or not?

Answer: Absolutely not. Department of Homeland Security (DHS) policy, Section 504 of the Rehabilitation Act of 1973 (disability) and the 1st, 4th and 14th Amendments to the U.S. Constitution prohibit consideration of disability, race, religion or ethnicity in routine law enforcement activities such as criminal investigations and traffic enforcement.



Ask: Racial profiling is not permissible. Why is it not useful as a security tool?

Answer: Racial profiling is useless and ineffective as a security tool because terrorism has no stereotypical face, race, nationality, ethnicity, or gender.

Instructor note: Reference the supplied poster, *Faces of Terrorism*. Point out that many varied ethnicities and racial groups are represented in the images.

In the past 30 years of experience with terrorism in the United States, the terrorists involved do not match any racial or ethnic stereotype. We have seen documented instances of Arabian terrorists, African terrorists, British terrorist, Irish terrorists, American terrorists, Japanese terrorists, Chechen terrorists, Sri Lankan terrorists, and so forth.

In the United States alone, we've seen terrorist acts attempted or committed by:

- Richard Reid, a biracial man
- Farouk Abdul Mutallab, a Nigerian
- John Walker Lindh, an American fighting with the Taliban in Afghanistan, a Caucasian
- Ted Kaczynski, the Unabomber, a Caucasian
- Timothy McVeigh, another Caucasian, who used a truck bomb against a US federal building in Oklahoma City.

The Negative Impacts of Racial Profiling

Instructor Note: Encourage discussion and input from participants. Ensure that discussion is respectful and professional. Validate responses, and discourage frivolous or insensitive responses.



Ask: How does the practice of racial profiling diminish TSA's Mission, Vision, and Core values?

Answer: Answers will vary but should include:

- Negatively impacts TSA's mission to protect transportation security
- Negatively impacts our integrity
- Negatively impacts the public's perception of TSA's integrity
- It does not convey the respect that is a part of our core values
- It's a departure from the pledge to the traveling public
- Breach of trust with the public



Ask: How does racial profiling misdirect valuable resources?

Answer: It diverts resources away from proven, more effective standards-based techniques, thereby wasting resources and undermining behavioral detection training.



Ask: What kind of resources does racial profiling waste?

Answer: Answers may vary, but should include:

- Personnel
- Time
- Operational awareness

Supporting TSA's Mission



Facilitated Discussion: Lead a discussion on the benefits of SPOT and how it supports the TSA mission and impacts TSA's Pledge to Travelers.



Ask: What does TSA's Pledge to Travelers state?

Answer:

Instructor note: If the Pledge to Travelers poster is not posted in the room, encourage participants to offer views on this, but offer help, and do not put participants on the spot.

- We pledge to do everything we can to ensure that your flight is secure.
- We pledge to treat you with courtesy, dignity, and respect during the screening process.
- We pledge that if additional screening is required, we will communicate and explain each step of the additional screening process.
- We pledge to honor your request for a private screening at any time during the screening process.
- We pledge that if additional screening of your person is required, it will be provided by a screener of the same gender.
- We pledge to accept all feedback and to consider your input as a vital part of our effort to continually enhance the screening experience.
- We pledge to respond to your comments in a timely manner.



Ask: How does racial profiling impact the fulfillment of TSA's Pledge to Travelers?

Answers: Answers will vary, and should include it diminishes courtesy, dignity, and respect for the individual as well as the public's trust in TSA's abilities to accomplish its mission

Understanding SPOT

Instructor Note: Drive the discussion to how the purpose of SPOT may be undermined if it is misdirected at finding people to arrest for non-security crimes. The point is to detect malintent by using the behavioral training. It is possible that people who are anxious or evasive because of non-security crimes will be detected, but that is a by-product of the program, not its purpose.



Ask: What is the purpose of SPOT and Assessor? Are they general law enforcement programs?

Answer: No. Both SPOT and Assessor rely on looking for behavioral indicators to prevent terrorist attacks; their purpose is NOT to identify other criminal behavior or violations of law, although criminal violations or immigration violations may come to light during the secondary screening. Thus you have not been trained with respect to indicators of criminal violations not related to security, and your success, and that of the program, is not measured by how many such violations you uncover.



Ask: What distinguishes the SPOT program and the science behind its analysis of behaviors from racial profiling?

Answer: The SPOT program is based on behavioral observation and analysis. The behavior observation and analysis is strictly that – using behaviors, not any racial or ethnic factors, to make decisions or to suggest additional screening.

Instructor Note: Drive the discussion to how SPOT becomes ineffective when paired with racial profiling. Discuss how the science behind the analysis discounts any potential for racial profiling.

When we speak of behavior recognition as a security tool, ethnicity, race, and religion are **NOT** components of these techniques. If police officers or security officials look only for one "stereotypical terrorist" type, the real terror threat is going to walk right past them. Terrorists are always adapting their techniques to defeat the latest security innovations-and nothing would be easier to defeat than racial profiling.

Instructor Note: Be sure to emphasize the importance of behavior recognition as a security tool.

Now that we have discussed racial profiling and the negative impacts it has to TSA, let's review a couple of scenarios on this subject.

Activity: Scenario One



Activity: Scenario Discussion

Directions:

1. Direct participants to form 3 or 4 small groups, depending on class size.
2. Read the scenario description to the entire class
3. List the questions shown below on a flipchart page
4. Have each group discuss the questions
5. After all groups have finished, but no longer than 5 minutes, have the each group debrief their conclusions to the class.

Scenario:

A male passenger approaches the TSA security checkpoint at the airport. He is wearing a traditional Sikh head covering, called a pagri.

He properly submits his carry-on bag for screening and passes through the Walk-through Metal Detector (WTMD) properly. The x-ray inspection of the carry-on reveals nothing amiss, the man does not alarm the WTMD, and all required additional screening measures for his head covering are completed.

(b)(3):49 U.S.C. § 114(r)

Small Group Discussion Questions and Activity

1. Based on the scenario above, should the BDO pursue a referral?
2. If a BDO refers the passenger under this circumstance, could racial profiling inappropriately play a role and how?
3. How could appropriate SPOT screening enhance checkpoint security in this scenario?
4. What tenets of the SPOT Program are in place to ensure racial or religious profiling are not practiced while conducting SPOT screening?
5. When can we stray from using this methodology and use racial or religious profiling as a basis for our assessments?

6. In your group, rewrite the scenario in a way that would make it appropriate for a referral, yet still free of any racial or religious profiling.

Activity: Scenario One – Key

(b)(3):49 U.S.C. § 114(r)

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He properly submits his carry-on bag for screening and passes through the Walk-through Metal Detector (WTMD) properly.

The x-ray inspection of the carry-on reveals nothing amiss, the man does not alarm the WTMD, and all required additional screening measures for his head covering are completed.

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Small Group Discussion Questions

1. Based on the scenario above, should the BDO pursue a referral?

Answer is NO, because:

- The SPOT program uses behavioral detection as a criterion for referral, not race or ethnicity.
- Only upon assessing points and meeting the SPOT threshold(s) based on observation of behaviors and engagement of the passenger outlined in the Behavior Reference Guide should the BDO pursue a referral.

2. If a BDO refers the passenger under this circumstance, could racial profiling inappropriately play a role and how?

In class debrief, the Instructor simply asks for groups' answers. Answers from the groups will be varied and may include:

- Yes, possibly, the BDO may inappropriately make a judgment based on race or ethnicity or even personal bias. However, it is never appropriate to stray from the BDO methodology and use racial or ethnic profiling to make a referral.

3. How could appropriate SPOT screening enhance checkpoint security in this scenario?

In class debrief, the Instructor simply asks for groups' answers. Answers from the groups will be varied and may include:

- BDO would correctly determine that this passenger is not behaving suspiciously
- BDO would focus on other passengers who may be exhibiting suspicious behaviors

4. What tenets of the SPOT Program are in place to ensure racial or religious profiling are not practiced while conducting SPOT screening?

In class debrief, answers should include:

- Includes behavior observation and analysis (observation of behaviors ONLY and analysis of those behaviors)
- Includes establishment of an environmental baseline to allow the observation of deviations from the norm
- Includes a standard set of behaviors against which to assess points
- Includes predetermined thresholds by which to pursue a referral
- Is based on behavior pattern recognition techniques used by various government agencies and supported by scientific research.
- The use of a BDO partner in SPOT helps with verifying behaviors observed and ensuring that no racial, ethnic, or religious profiling are occurring

5. When can we stray from using this methodology and use racial or religious profiling as a basis for our assessments?

In class debrief, answers should include:

Never – at no time should Behavior Detection Officers (BDO) stray from this methodology and use any form of racial, ethnic, or religious profiling.

Racial, ethnic or religious profiling completely negate the use of SPOT by using someone's ethnic background and appearance as the decision base for additional screening. A lot of what racial, ethnic or religious profiling is based on is incorrect stereotypes of individuals or cultures.

The use of this type of profiling is illegal, ineffective, morally wrong, and should never be used.

The terrorist profile is independent of race, ethnicity, and background. We have seen this many times before with various individuals who want to cause harm.

Instructor Note: The purpose of this question is to reinforce that regardless of racial or ethnic background, unless the SPOT threshold is met, a referral is not warranted.

6. In your group, rewrite the scenario in a way that would make it appropriate for a referral, yet still free of any racial profiling.
In class debrief, answers may include:
Answers may vary, but should include any combination of stress, fear, or deception factors that meet or exceed the four point threshold for a legitimate SPOT referral.