



Transportation
Security
Administration

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INFORMATION

MEMORANDUM FOR:

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FROM:

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SUBJECT:

Response to Draft Report, *Transportation Security Administration's Screening of Passengers by Observation Techniques* (OIG 12-141-AUD-TSA)

Purpose

This memorandum constitutes the Transportation Security Administration's (TSA) response to the DHS Office of Inspector General (OIG) draft report, *Transportation Security Administration's Screening of Passengers by Observation Techniques*, March, 2013.

Background

Congressman Bennie Thompson requested an audit of TSA's Screening of Passengers by Observation Techniques (SPOT) program to determine its effectiveness, efficiency, and economy as a security screening protocol at airports. The audit objective was to determine whether TSA's SPOT program is structured to ensure that passengers at U.S. airports are screened in an objective and cost-effective manner to identify potential terrorists. OIG conducted its audit from April to October of 2012, and interviewed more than 300 officials at U.S. airports, TSA headquarters, and external agencies.

OIG provided TSA with six recommendations for action, all of which TSA concurs with, including implementing a strategic plan. The OIG concluded that without the implementation of a strategic plan that contains key elements, including mission, goal, and objectives needed to develop a system of performance metrics, "TSA cannot ensure that passengers at U.S. airports are screened in an objective manner, show that the program is cost-effective, or reasonably justify the program's expansion to ensure that threats to aviation security are effectively prevented."

During the audit, TSA provided the OIG with a draft *Behavior Detection and Analysis Strategic Plan*, which included a mission statement, vision statement, goals, and objectives already under development. TSA has since finalized this plan (finalized December 2, 2012). TSA also

provided the OIG with a draft Performance Metrics Plan (finalized November 2012) which establishes the architecture for validated metrics to measure the SPOT program and Behavior Detection Officer (BDO) performance. Finally, TSA provided the OIG with a draft return on investment study (finalized December 2012), and Program Spend Plans from fiscal years (FY) 2011, 2012, and 2013. Of note, TSA provided OIG with approved final documents on December 5, 2012. These reports detail project descriptions, justifications and impact if not funded along with a breakdown of Program Operations and Management costs.

These documents collectively provide the strategic and financial roadmap for the Behavior Detection and Analysis Program (BDAP). While the OIG's report acknowledges the existence and submission of these draft plans, TSA would have liked the OIG to acknowledge that TSA had begun preparing these documents prior to its audit. Additionally, TSA believes that it has more fully implemented the plans than is described in OIG's report and that no significant concerns remain unaddressed.

Discussion

Earlier this year, consistent with TSA's intelligence-driven and risk-based strategy, the TSA Deputy Administrator approved the realignment of BDAP, excluding the research and development function, from the Office of Security Capabilities (OSC) to the Office of Security Operations (OSO). Placing the operational component of BDAP in OSO aligns behavior detection and analysis with other real-time threat assessment operations.

The BDAP now has four functional areas: 1) strategic planning and policy development; 2) training and workforce engagement; 3) compliance and standardization; and 4) analysis and metrics. Working in tandem with OSC and the Office of Training and Workforce Engagement (OTWE), BDAP focuses on five strategic areas:

1. **Integrate Behavior Detection into Risk-Based Security Initiatives:** Continue to integrate the behavior detection capability into risk-based security, and study the impact that behavior detection and analysis has on the overall effectiveness and efficiency of the transportation security system.
2. **Develop Data Management Protocols and Robust Analytical Capabilities:** Collect, organize, validate, and make data accessible to enable improved decision-making regarding BDO allocation, pilots, procedures, and daily operations.
3. **Implement Quality Assurance Oversight Measures:** Implement a multifaceted quality assurance program for TSA behavior detection and analysis initiatives to ensure consistent and standard practices, including airport operation evaluations, current training/testing, and data entry/management.
4. **Research, Develop, and Validate New and Existing Behavior Analysis Capabilities:** Continue to build the scientific foundation for behavior detection and analysis while refining current capabilities. Leverage existing and emerging best practices used by other domestic and international behavior detection programs as well as law enforcement, defense, and intelligence agencies.
5. **Execute Multifaceted Internal and External Communications Plans:** Work with Federal, state, local and international law enforcement, and civil rights groups to build public support and leverage best practices. Engage with the TSA workforce to explain

why behavior detection and analysis is a critical layer to the transportation security system.

This framework is consistent with TSA's larger focus on risk-based security, workforce engagement and organizational efficiency, and the OSO strategic plan for 2013-2015.

TSA had begun, and in some cases has completed, all of the recommendations cited by the OIG in this report:

- **Strategic Planning and Performance Measurement:** TSA finalized a strategic plan and performance measurement plan and began implementing many of the objectives in these framework documents.
- **Data Accuracy:** TSA implemented controls to ensure completeness, accuracy, authorization, and validity of referral data entered into the Performance Management Information System.
- **Training:** TSA implemented a plan to provide recurrent/refresher training to all BDOs and BDO instructors, and developed a plan to assess BDO instructor performance in required core competencies on a regular basis.
- **Monitor and Evaluate BDO Activity:** TSA developed, and implemented an automated tool to help evaluate airports' use of BDO resources.
- **Employee Engagement:** TSA implemented processes for identifying and addressing issues raised by the workforce that may directly affect the success of the SPOT program.

Conclusion

TSA believes that passengers at U.S. airports are screened by BDOs in an objective manner; SPOT is effective and has been validated and determined to identify substantially more high-risk travelers than a random screening protocol;¹ and the program is executed in an efficient manner. TSA recognizes the important issues set forth in this report. TSA appreciates OIG's efforts to identify areas needing improvement with the SPOT program and will continue to implement OIG's recommendations, if not already fully implemented.

¹ *SPOT referral report Validation study final report: Volumes 1-4*. Washington, DC: American Institutes for Research, Costigan, T. E., Makonnen, Z. E., Taylor, T. S., Sawyer, K., Myers, T. L., & Topf, M. (2011).