

From: [Cuneo, Ines <TSA OCC>](#)
To: [Prosnitz, Susan <TSA OCC>](#)
Cc: [OCC Communications](#)
Subject: FW: Memo to Administrator Pistole
Date: Thursday, August 1, 2013 7:42:03 AM
Attachments: [BDOSPOT Data Collection Multicult Memo.pdf](#)

Forwarding for your awareness.

From: Hill-Wilson, Jennifer
Sent: Thursday, August 01, 2013 7:26 AM
To: STEWART, CORBIN M.
Cc: Kravit, Richard <TSA OCC>; Cuneo, Ines <TSA OCC>; Harley, Milton ; Oswald, Ryan S. ; Penn, Joy; OSC Communications; OSO Executive Correspondence
Subject: FW: Memo to Administrator Pistole

Corbin,

Attached is the memo signed by AA Hoggan for OSO. Sorry for the delay. Please let me know if you have questions, or if you need the original signed copy.

Sincerely,

Jennifer Hill-Wilson
Communications
Office of Security Operations
Transportation Security Administration
(571) 227-(b)(6)

From: Oswald, Ryan S.
Sent: Wednesday, July 24, 2013 1:49 PM
To: Hill-Wilson, Jennifer
Subject: FW: Memo to Administrator Pistole

Jennifer, I missed this yesterday afternoon. I believe this falls under you.

Ryan

From: STEWART, CORBIN M.
Sent: Tuesday, July 23, 2013 4:33 PM
To: Cuneo, Ines <TSA OCC>; Kravit, Richard <TSA OCC>; Harley, Milton ; Oswald, Ryan S. ; OSC Communications
Subject: Memo to Administrator Pistole

Hello All,

Attached is a memo to Administrator Pistole in regards to Recommendations for Racial, Ethnic and Religious Data Collection in the BDO/SPOT Program from Assistant Administrator Kimberly Walton. Could you please review the memo for concurrence from your office. Please review by COB Friday, July 26.

Thanks in advance,

Corbin Stewart
Office of Civil Rights & Liberties,
Ombudsman and Traveler Engagement (CRL/OTE)
571-227-(b)(6)



Transportation
Security
Administration

ACTION

MEMORANDUM FOR: John S. Pistole
Administrator

THROUGH: J.W. Halinski
Deputy Administrator

Francine Kerner
Chief Counsel

John Sanders
Assistant Administrator
Office of Security Capabilities

Kelly Hoggan *KH*
Assistant Administrator
Office of Security Operations

FROM: Kimberly Walton
Assistant Administrator
Office of Civil Rights & Liberties, Ombudsman
and Traveler Engagement

SUBJECT: Recommendations for Racial, Ethnic and Religious Data Collection in
the BDO/SPOT Program from the Multicultural Coalition

Purpose

To summarize comments of multicultural coalition members on the proposed Behavioral Detection Officer (BDO) data collection pilot study conducted by American Institutes of Research (AIR) and to obtain your approval on recommended next steps.

Background

Significant engagement efforts with members of the multicultural community have been made to solicit their feedback on the Screening of Passengers by Observation Techniques (SPOT) program and more recently the proposed data collection study.

On March 21st, 2013, I conducted a teleconference with members of the Multicultural Coalition to obtain input concerning a data collection pilot involving SPOT. Several groups participated in the meeting including the Sikh Coalition, Muslim Public Affairs Council, the Arab American Institute, and the American Civil Liberties Union, as well as representatives from the DHS Office for Civil Rights and Civil Liberties (CRCL). Participants were provided an overview of the SPOT program and the study proposal and were told this was the first of several planned engagements to dialogue on issues of public concern regarding our screening processes.

During the teleconference, the participants requested a follow up in-person meeting in order to ask additional information from TSA regarding the study. In response to this request, on May 20th, I hosted an in person meeting at TSA headquarters with select members of the Multicultural Coalition, along with representatives from OSO, OSC and AIR. The following members of the Multicultural Coalition were invited to the engagement and provided feedback on the study proposal:

Coalition Members

- American Civil Liberties Union (ACLU)
- American Arab Anti-Discrimination Committee (ADC)
- Arab American Institute
- Sikh-American Legal Defense & Education Fund (SALDEF)
- Muslim Public Affairs Council (MPAC),
- Muflehun
- Adams Center
- Islamic Relief USA
- Sikh Coalition
- United Sikh

At the conclusion of the meeting, the Coalition members were asked to submit their written comments concerning the proposed study to CRL/OTE by May 29th to be forwarded to AIR for consideration.

Discussion

The following is a summary of comments submitted by the Multicultural Coalition members. While the comments focused on three broad categories 1) religious; 2) study methodology and 3) report dissemination, religious garb was unanimously reported in each organization's statement as a recommended study variable. The bases for this position are reflected in the following summary of their comments:

- Many religious communities can be readily identified by their dress and/or items they are required to carry and therefore are easily spotted by both BDOs who improperly select them for additional screening and the study evaluations who can use this information to identify bias in the program.
- While a BDO might perceive a man wearing a turban as belonging to a certain race, he/she may find wearing the turban to be suspicious in of itself. Since 99% of persons wearing turbans are members of the Sikh religion, a religious garb category is necessary to accurately capture the possible bias of a BDO.

Benefits and Challenges of Religious Garb as Study Variable

Collecting data on religious garb offers the following benefits:

- Enables TSA's leadership to understand and manage whether disparities exist based on religious or religious garb.
- Sends a strong message to the community that profiling of any kind, including religious profiling, will not be tolerated by the agency.
- Builds transparency, trust and respect for the agency among the coalition constituency
- Demonstrates the agency's sensitivity to specific concerns raised by the Multicultural Coalition regarding allegations of religious profiling.

Data collection on religious garb presents the following challenges:

- Religious garb has not been a variable in historical racial profiling data collection studies and there is therefore no known effective model;
- Determining the religion of persons referred for additional screening or more importantly, the BDO's perception of religion is very difficult
- Identifying what data to collect (religion verses garb) and further defining this category is complicated with no known precedent.
- Public awareness of the data collection may result in public affairs challenges, especially if profiling concerns are validated by the study.

Recommendation

Recommend you approve the recommendation to include the variable of religious garb to the BDO Spot Bias Design Study.

Approve _____
Modify _____

Disapprove _____
Needs more discussion _____

From: [Wasowicz, John <TSA OCC>](#)
To: [Prosnitz, Susan <TSA OCC>](#); [Kent, Linda <TSA OCC>](#); [Bauer, John D <TSA OCC>](#)
Cc: [Thompson, Mardi <TSA OCC>](#); [Wheaton, Kelly <TSA OCC>](#); [OCC Communications](#)
Subject: FW: Memo to Administrator Pistole
Date: Tuesday, July 23, 2013 5:03:21 PM
Attachments: [Recommendations for Racial, Ethnic and Religious Data Collection in the BDO/SPOT Program from the Multicultural Coalition .docx](#)

Susan, Linda and John B: Attached is a draft memo from Kim Walton to the Administrator re data collection for BDO/SPOT. Review requested by COB Friday. Can one of you review first, edit/comment and send to the others? And do you feel that Francine should clear? Thanks. JW

From: STEWART, CORBIN M.
Sent: Tuesday, July 23, 2013 4:35 PM
To: OCC Communications; Janet, Kevin <TSA OCC>
Subject: FW: Memo to Administrator Pistole

From: STEWART, CORBIN M.
Sent: Tuesday, July 23, 2013 4:33 PM
To: Cuneo, Ines <TSA OCC>; Kravit, Richard <TSA OCC>; Harley, Milton ; Oswald, Ryan S. ; OSC Communications
Subject: Memo to Administrator Pistole

Hello All,

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Thanks in advance,

Corbin Stewart
Office of Civil Rights & Liberties,
Ombudsman and Traveler Engagement (CRL/OTE)

571-227-(b)(6)

From: [Wasowicz, John <TSA OCC>](#)
To: [Prosnitz, Susan <TSA OCC>](#); [Janet, Kevin <TSA OCC>](#)
Cc: [OCC Communications](#)
Subject: FW: Memo to Administrator Pistole
Date: Friday, July 26, 2013 11:34:05 AM
Attachments: [image003.jpg](#)

We are still conducting our review, correct? Thanks.

From: Harley, Milton
Sent: Friday, July 26, 2013 11:32 AM
To: STEWART, CORBIN M.
Cc: Cuneo, Ines <TSA OCC>; Kravit, Richard <TSA OCC>; OSC Communications; OCC Communications; Janet, Kevin <TSA OCC>; Oswald, Ryan S. ; Penn, Joy; Harley, Milton ; Hill-Wilson, Jennifer
Subject: RE: Memo to Administrator Pistole

Corbin,

The folder is with OSO Leadership for review.

Milton T. Harley, Jr.

Milton T. Harley, Jr.
GAO/OIG Liaison
DHS/TSA
Office of Security Operations
(571) 227-(b)(6)



From: STEWART, CORBIN M.
Sent: Friday, July 26, 2013 9:47 AM
To: Cuneo, Ines <TSA OCC>; Kravit, Richard <TSA OCC>; Harley, Milton ; Oswald, Ryan S. ; OSC Communications; OCC Communications; Janet, Kevin <TSA OCC>
Subject: RE: Memo to Administrator Pistole

Good Morning All,

Just checking on the status of this memo, please let me know if I can be of any assistance.

Thanks,

Corbin

From: STEWART, CORBIN M.
Sent: Tuesday, July 23, 2013 4:33 PM
To: Cuneo, Ines <TSA OCC>; Kravit, Richard <TSA OCC>; Harley, Milton ; Oswald, Ryan S. ; OSC Communications
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From: [Wasowicz, John <TSA OCC>](#)
To: [Prosnitz, Susan <TSA OCC>](#)
Cc: [Janet, Kevin <TSA OCC>](#)
Subject: FW: Memo to Administrator Pistole
Date: Friday, July 26, 2013 11:49:45 AM

COB today.

From: STEWART, CORBIN M.
Sent: Friday, July 26, 2013 11:45 AM
To: Wasowicz, John <TSA OCC>
Subject: RE: Memo to Administrator Pistole

Correct. Thanks Mr. Wasowicz.

From: Wasowicz, John <TSA OCC>
Sent: Friday, July 26, 2013 11:39 AM
To: STEWART, CORBIN M.; Cuneo, Ines <TSA OCC>; Kravit, Richard <TSA OCC>; Harley, Milton ; Oswald, Ryan S. ; OSC Communications; OCC Communications; Janet, Kevin <TSA OCC>; Prosnitz, Susan <TSA OCC>
Subject: RE: Memo to Administrator Pistole

Corbin: OCC is reviewing the document. Comments are due COB today, correct? JW

From: STEWART, CORBIN M.
Sent: Friday, July 26, 2013 9:47 AM
To: Cuneo, Ines <TSA OCC>; Kravit, Richard <TSA OCC>; Harley, Milton ; Oswald, Ryan S. ; OSC Communications; OCC Communications; Janet, Kevin <TSA OCC>
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571-227-(b)(6)

From: [Janet, Kevin <TSA OCC>](#)
To: [Prosnitz, Susan <TSA OCC>](#)
Subject: Fw: Memo to Administrator Pistole
Date: Friday, July 26, 2013 12:24:28 PM
Attachments: [Recommendations for Racial, Ethnic and Religious Data Collection in thedocx](#)

From: Wasowicz, John <TSA OCC>
Sent: Tuesday, July 23, 2013 05:24 PM
To: Prosnitz, Susan <TSA OCC>; Kent, Linda <TSA OCC>; Bauer, John D <TSA OCC>; Ellison, Jennifer <TSA OCC>
Cc: Thompson, Mardi <TSA OCC>; Wheaton, Kelly <TSA OCC>; Whalen, MaryKate <TSA OCC>; OCC Communications
Subject: RE: Memo to Administrator Pistole

Adding Jennifer, MK.

From: Wasowicz, John <TSA OCC>
Sent: Tuesday, July 23, 2013 5:03 PM
To: Prosnitz, Susan <TSA OCC>; Kent, Linda <TSA OCC>; Bauer, John D <TSA OCC>
Cc: Thompson, Mardi <TSA OCC>; Wheaton, Kelly <TSA OCC>; OCC Communications
Subject: FW: Memo to Administrator Pistole

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571-227-(b)(6)

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To: [STEWART, CORBIN M.](#)
Cc: [Prosnitz, Susan <TSA OCC>](#); [OCC Communications](#)
Subject: FW: Memo to Administrator Pistole
Date: Friday, July 26, 2013 3:27:41 PM
Attachments: [Recommendations for Racial Ethnic and Religious Data Collection \(OCC edits\).docx](#)

OCC clears, with attachments. Thank you. JW

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To: OCC Communications; Janet, Kevin <TSA OCC>
Subject: FW: Memo to Administrator Pistole

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