

From: [Prosnitz, Susan <TSA OCC>](#)
To: [Tauber, Sarah](#)
Subject: FW: Behavioral Indicator Changes
Date: Wednesday, June 12, 2013 3:13:00 PM
Attachments: SPOT Behavioral Indicator Ref Guide v1 2 2011 (portions for 1st Amdt revision)(DS&DM Comments).docx

See attached language and comments below from OSC.

Susan M. Prosnitz, Esq.

Assistant Chief Counsel for Legal Policy and Education
Office of Chief Counsel
Transportation Security Administration
571.227.(b)(6) (ice)

(b)(6)

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From: Mancuso, Donald
Sent: Wednesday, June 12, 2013 01:31 PM
To: Flory, Gillian <TSA OCC>; Pilcher, Marc <TSA OCC>
Cc: Smith, Darryl M
Subject: RE: Behavioral Indicator Changes

This took a while longer to get back to you because I felt it was important to seek out additional peer input and give everyone a chance to get their comments to me. The document I'm sending has Darryl's (DM) and my (MD) comments from the OSC side of things. I did send it over to OSO as well, so there may be more input coming from their group in the near future. I think we're still a ways off from getting this to where it needs to be. (b)(5)

(b)(5)

Darryl and I had plenty of comments and suggestions to start with and I know this was just the first draft. I definitely want to get this right before it moves forward.

Donnie Mancuso

Program Analyst – OSC/BDAD
571-227-(b)(6)

(b)(6)

From: Flory, Gillian <TSA OCC>
Sent: Wednesday, June 12, 2013 12:14 PM
To: Pilcher, Marc <TSA OCC>; Mancuso, Donald
Cc: Smith, Darryl M
Subject: RE: Behavioral Indicator Changes

Hi Donnie and Darryl – Any thoughts on Marc’s first draft?

Gillian Flory
Office of Chief Counsel

571.227. (b)(6)

(b)(6)

From: Flory, Gillian <TSA OCC>
Sent: Tuesday, June 11, 2013 5:36 PM
To: Pilcher, Marc <TSA OCC>; Mancuso, Donald
Cc: Smith, Darryl M
Subject: RE: Behavioral Indicator Changes

Donnie and Darryl, it would be great if you could send us any feedback by mid-day tomorrow so that we can incorporate any changes and circulate more widely. We understand that there will be many additional layers of approval, but in the short term our goal is to get people to buy into the concept. Thanks so much for your time and attention to this request.

Gillian Flory
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(b)(6)

From: Pilcher, Marc <TSA OCC>
Sent: Tuesday, June 11, 2013 4:40 PM
To: Mancuso, Donald; Flory, Gillian <TSA OCC>
Cc: Smith, Darryl M
Subject: RE: Behavioral Indicator Changes

Donnie & Gillian:

(b)(5)

Current standard p/w should open it.

- Marc

From: Mancuso, Donald
Sent: Tuesday, June 11, 2013 9:53 AM
To: Flory, Gillian <TSA OCC>; Pilcher, Marc <TSA OCC>
Cc: Smith, Darryl M
Subject: Behavioral Indicator Changes

Good morning,

As a follow up to yesterday's meeting regarding our two SPOT indicator changes, I'm sending you two audio clips (current national p/w) with Carl and the OTWE panel discussing (b)(3):49 (b)(3):49. Unfortunately, I don't have the audio file discussing (b)(3):49 U.S.C. § 114(r) although it should exist somewhere because the other signs of deception are discussed, and some of the sequential file numbers were missing from the entire audio folder. I also reached out to a couple colleagues to get their input, and it looks like we're on the same page.

Audio Overview:

- The overall message from the audio clips seems to be primarily about (b)(3):49 U.S.C. § 114(r)
- One important takeaway from this audio file is the repeated emphasis (b)(3):49 U.S.C. § 114(r)
- This also ties into the micro-facial training that used to be taught to BDOs (ABDT – Additional Behavior Detection Training), which was largely a product of Dr. Paul Ekman. (b)(3):49 U.S.C. § 114(r)
- The only reference to (b)(3):49 U.S.C. § 114(r) was Carl's brief tie-in to our (b)(3):49 U.S.C. § 114(r)
- Original behavior title didn't have the word (b)(3):49 in it and it was apparently added at some point (who/why is unknown).

SME Discussion:

- Based on my discussions with a small sampling of individuals I consider Subject Matter Experts, the general consensus has been that (b)(3):49 U.S.C. § 114(r)

(b)(3):49 U.S.C. § 114(r)

I hope this helps,

Donnie Mancuso

Program Analyst – OSC/BDAD

571-227-(b)(6)

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