

July 30, 2015

Kelly J. Fredericks, President  
R.I. Airport Corporation  
2000 Post Road  
Warwick, RI 02886

Dear Mr. Fredericks:

I am writing to express the ACLU of Rhode Island's deep concerns about the Rhode Island Airport Corporation's apparent decision last month, with no public input, to work with the Department of Homeland Security's Transportation Security Administration (TSA) in field-testing the expansion of a largely discredited program that attempts to identify travelers who might pose a potential security risk through questionable "behavior detection" techniques. Although we realize our input may be too late, we nonetheless feel it important to make our views known in case any plans to extend this pilot program arise.

Under this research effort, which is part of a DHS program labeled "Centralized Hostile Intent," actors mimicking certain behaviors will be sent into the screening areas of T.F. Green Airport in order to test whether TSA officials can identify "behavioral indicators of malicious intent" by monitoring a live video feed in remote locations, instead of through direct observation. This summary of the project was gleaned from a "privacy impact assessment" released last month by the TSA.

This experiment is an extension of TSA's Behavior Detection and Analysis (BDA) program, which already uses thousands of "behavior detection officers" in airports across the country to scrutinize travelers' actions and emotions. Like the remote monitoring program being tested in Rhode Island, BDA attempts to use various and, we submit, hopelessly common and meaningless signals to determine if a person has suspicious "mal-intent" and should be tracked and investigated further. Among the many factors that these "behavior detection officers" look for, according to a document leaked earlier this year, are rubbing or wringing hands, excessive clock-watching or leg shaking, strong body odor, being late for a flight, "exaggerated yawning," "widely open staring eyes," "gazing down" (perhaps so officers won't detect widely open staring eyes), "excessive throat clearing" and sweaty palms.

The BDA program has been widely criticized by government investigators, independent experts and privacy advocates as flawed and wasteful. A 2013 report by the U.S. Government Accountability Office, with the less-than-subtle title "TSA Should Limit Future Funding for Behavior Detection Activities," found no "scientifically validated evidence for using behavioral indicators" and that "the human ability to accurately identify deceptive behavior based on behavioral indicators is the same as or slightly better than chance." That same year, a report by

the Office of Inspector General of the Department of Homeland Security stated that the TSA could not “reasonably justify the program’s expansion.” In Congressional testimony, other experts have concurred with this conclusion. Yet this pilot project to be conducted with RIAC’s collaboration boldly seeks to *extend* the program in a way that is bound to be *even less* reliable.

It’s difficult to imagine how this experiment, using actors to mimic questionable behaviors suggesting possible “mal-intent,” can provide any meaningful information beyond how skillful the subjects are as actors. Presumably TSA has concluded that the inability of remote operators to determine whether a person has “strong body odor” or sweaty palms will not unfairly skew the results.

While one might dismiss the experiment as merely a waste of taxpayer money, the consequences are much more serious. The TSA privacy impact assessment mentions that this project will be used to develop “tracking algorithms for multi-camera person and object detection to determine a person’s path or possible associates in an operational environment.” In other words, the ultimate goal of the program is to begin using video monitoring to not only track fidgety and sweaty travelers, but to identify and track their accompanying families and friends.

In light of the extraordinarily vague and open-ended nature of the listed factors that make a traveler “suspicious,” it should also not be a surprise that the program can serve as a tool for racial profiling. In fact, in 2012, more than 30 BDA program officers at Logan Airport said that the program had “become a magnet for racial profiling, targeting not only Middle Easterners but also blacks, Hispanics and other minorities.” (New York Times, August 11, 2012).

Admittedly, the privacy intrusions generated by this particular experiment will be minimal. It will focus on video-recording only volunteer actors, and thanks to your legal counsel’s commendable efforts, access to even those recordings will be limited within DHS agencies. But one cannot ignore what the ultimate goal of this project is – to make it easier and more routine to target innocent travelers for intrusive incursions on their privacy, all based on what have thus far been largely discredited “behavior detection” activities.

In sum, the notion that TSA employees sitting behind monitors hundreds or thousands of miles away will be able to determine ulterior motives in everyday gestures and facial expressions of harried travelers isn’t based on any scientific evidence. The anticipated future applications of this project are disturbing, as they promise to be just as ineffective as TSA’s existing efforts. At bottom, this effort is junk science, but one with serious civil liberties and privacy implications.

Rhode Island should have no part in lending credibility to it. We all want to ensure proper security measures are in place at our airports, but it is time to end, not expand, ineffective programs like this that use up limited resources, and that open the door to more intrusive privacy invasions and increased racial profiling, while doing little to keep us safe.

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If it is not too late, we urge you to reconsider RIAC's participation in the program. If it is too late, we request that you make clear to DHS that you will have no further involvement in programs like this one once it is concluded, and that you will protect T.F. Green Airport and its passengers from such useless and intrusive hocus-pocus in the future.

Thank you in advance for considering our views.

Sincerely,

Steven Brown  
Executive Director

cc: Peter Frazier, General Counsel  
RIAC Board of Directors