

# Exhibit B

## Documents 1 - 9

# Exhibit B

# Document 1

**Email**

**From:** [redacted]  
**Sent:** Wednesday, October 14, 2009 8:32 PM  
**To:** [redacted] (LEO); [redacted] (LEO); [redacted]  
[redacted] (LEO)  
**Cc:** [redacted] (LEO); [redacted] (LEO); [redacted] (LEO); [redacted] (LEO)  
**Subject:** RE: NDR field 2.098

[redacted]  
As we've discussed, this language covers my concerns.

I'm not sure how well the "may be searched...to support FBI mission" will go over or if that type of language is necessary in the PIA. But I'll leave those questions to [redacted] and [redacted].

W  
C

**From:** [redacted]@ic.fbi.gov  
**Sent:** Wednesday, October 14, 2009 2:23 PM  
**To:** [redacted] (LEO); [redacted] (LEO); [redacted]; [redacted] (LEO)  
**Cc:** [redacted] (LEO); [redacted] (LEO); [redacted] (LEO); [redacted] (LEO)  
**Subject:** RE: NDR field 2.098

I think you are right about opting out of the response from IDENT (not the search itself). Good point. I do think that the additional line covers the concept that additional searches are being done and is sufficient. "Incoming submissions may be searched against default repositories to support the FBI mission (e.g., ULF, RISC, IDENT)." b2 b6 b7C

I also think it might be confusing to re-word the entire concept to focus on response dissemination, but potentially a second line could be added to clarify that the users designation of a repository to be searched would enable a response from the requested repository.

What does everyone else think?

[redacted]  
FBI/CJIS Management & Program Analyst  
New Business and Rapid Prototyping Unit  
Policy Initiation and Coordination Section

[redacted]mailto:[redacted]  
[redacted]mailto:[redacted]

**From:** [redacted]  
**Sent:** Wednesday, October 14, 2009 12:55 PM  
**To:** [redacted] (LEO); [redacted] (LEO); [redacted]; [redacted] (LEO)  
**Cc:** [redacted] (LEO); [redacted] (LEO); [redacted] (LEO); [redacted] (LEO)  
**Subject:** Re: NDR field 2.098

[redacted]  
I was under the impression that all Interoperability incoming submissions would search IDENT per the APBs recommendation and that the NDR field would be populated by the submitting agency to indicate the desire for the IDENT response. At any rate, it seems we need to show an IDENT response is optional and how the submitter should request the

response. Also, I did not think agencies could opt out of the search (they could only opt out of receiving the response) of IDENT due to the record linking paper.

[redacted]  
Management and Program Analyst  
FBI, CJIS Division

[redacted] (w)  
[redacted] (e)

--sent from blackberry--

From: [redacted]  
To: [redacted] (LEO); [redacted] (LEO); [redacted]@leo.gov; [redacted] (LEO)  
Cc: [redacted] (LEO); [redacted] (LEO); [redacted] (LEO); [redacted] (LEO)  
Sent: Wed Oct 14 11:44:36 2009  
Subject: NDR field 2.098

A concern was raised with the description within the EBTS for the NDR field 2.098 during preparation for a WIN meeting this week (Oct 15th & 16th). Specifically, the description in the current 8.1 and the proposed 9.0 do not clarify that there are instances in which the FBI will search a repository not specifically requested by the end-user, to support an FBI business process. Today, both RISC and IDENT may be searched EVEN IF THE END-USER DOES NOT DESIGNATE THEM. I believe that we also reverse search 10 prints against the ULF.

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To prevent any possible user confusion, we need to add a blurb to the existing EBTS language. I suggest a sentence after the NDR 2.098 table within the EBTS that states: "Incoming submissions may be searched against default repositories to support the FBI mission (e.g., ULF, RISC, IDENT)."

I have not added anything about users who wants to 'opt-out'. I believe that business rules established based on MOUs should allow for users to broadly opt-out of the IDENT and Latent searches and not require additional fields. I believe, but would want clarification from the SDO, that the SRD sufficiently supports 'opt-out'. I don't believe that option exists for RISC. Not sure if the users will insist that an 'opt-out' sentence be added here or not.

[redacted] Do you agree with the proposed language, and agree that it be addressed during IIETF discussions next week? Any discussion with IIETF/WIN on this topic yet?

[redacted] How do you suggest following up on the "opt-out"? Once we hear back from the others we should know how to proceed with IIETF next week. Thanks for your help.

BACKGROUND

1.

I do not believe that we asked the APB to vote on a default search of RISC. However, it is clearly described as early as the Spring 2007 IS Subcommittee. As an internal note, there was much CJIS discussion in March 2007 on whether IAFIS must perform default searches or whether a true 'hub' capability existed. I believe the final decision was left to MPI, as OGC/AIU responded that there would be no legal liability for not performing the default search, but the best practice would be determined based on FBI mission needs.

\*  
RISC default searches  
IS Subcommittee Spring 2007  
IS Issue #1 Next Generation Identification (NGI) Program Update  
AFIT RISC Rapid Search Discussion

"In addition, the IAFIS will provide a non-rapid identification search of the RISC for all ten-print identification search requests."

2.

The APB clarified the default search for IDENT in June 2009.

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\*

IDENT default searches

\*

June 2009 APB Recommendation #15

\*

APB Item #9 Chairman's Report on the IS Subcommittee

\*

IS Issue #4 Clarification on Record Linking

\*

APB Recommendation: The APB passed a motion to accept Option #1 with amended verbiage as shown in bold: For record linking/maintenance purposes, a search/record update will be sent to the Department of Homeland Security's (DHS) Automated Biometric Identification System (IDENT) regardless of the CJIS Division stakeholder's request for an IDENT search. The state can opt out of receiving the response. The approved motion included a friendly amendment to continue the use of the Transaction Control Number/FBI number conversion.

3.

ULF searches are probably best described under the IAFIS enhancements list, since we have recently implemented reverse searches for non-retained criminals and retained civils. The APB first addressed the expansion in June 2007.

\*

Latent reverse searches

IS Subcommittee Fall 2008

IS Issue #2 Integrated Automated Fingerprint Identification System (IAFIS) Enhancement Status

Enhancement #40

[TABLE]

IAFIS ULF Cascade Capabilities to Support Automated Searches for Retain and Non-retain Criminal and Civil Tenprint Transactions. Approved by APB 6/07. Completed June 2008 Criminal and Humanitarian (non-retain/non-ident). January 2009 Civil Retain/non-ident

June 2007 APB

APB Item #9 Chairman's Report on the IS Subcommittee

IS Issue #6 Proposal to Enhance IAFIS Unsolved Latent File (ULF) Cascade Capabilities to Support Automated Search for Retain and Non-retain Criminal and Civil Ten-Print Transactions

APB Action: The APB voted to approve the topic as information only and request the FBI to look into doing a partial opt-in based on statue with the implementation of NGI.

EBS Version 9.0 DRAFT

NDR 2.098 - Name of Designated Repository. (Future Capability) This field contains the numerical designation of the repository(ies) to be searched. Repository numbers are assigned by

the CJIS Division. Multiple entries in this field will indicate a desire to search more than one

repository, including Canada's RTID and authorized DHS records. Multiple entries will be separated by the RS separator. The following values are acceptable for NDR.

[TABLE]

NDR Value File Name

1 Criminal Master File Records

2 Civil Records

FBI-SC-1313

3 Unsolved Latent File



4 Major Case File Records

5 Latent Image File Records

6 Repository for Individuals of Special Concern

(RISC)

7 Canada Real Time Identification (RTID)

8 DoD Automated Biometric Identification System

(ABIS)

9 DHS IDENT/US-VISIT

10 International Terrorist File (ITF) Participants

11 RISC Wants and Warrants (W&W)

12 RISC Sexual Offender Registry (SOR)

13 RISC Known and Suspected Terrorist (KST)

14 RISC International Terrorist File (ITF)

15 RISC Persons of Special Interest (Other)

16 - 100 Reserved for Future Use

101-125 FBI Special Population Cognizant Files

126-135 Other Federal Organization Special Population

Cognizant Files

[Redacted]  
FBI/CJIS Management & Program Analyst  
New Business and Rapid Prototyping Unit  
Policy Initiation and Coordination Section

[Redacted] <mailto:[Redacted]>  
[Redacted] <mailto:[Redacted]>

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FBI-SC-1314

# Exhibit B

## Document 2

**CJIS ADVISORY POLICY BOARD**

**June 4-5,2009**

**STAFF PAPER**

**WORKING GROUP TOPIC #4**

Clarification on Record Linking

**PURPOSE**

The purpose of this paper is threefold:

- provide full transparency into the Record Linking concept as it applies to Shared Services functionality for Interoperability
- provide the data managements necessary to support Record Linking
- and solicit user input on an alternative implementation option

**POINTS OF CONTACT**

[redacted] Federal Bureau of Investigation/Criminal Justice Information Services  
Division (FBI/CJIS)/Biometric Services Section [redacted]

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[redacted] DHS/National Protection & Programs Directorate/United States - Visitor  
and Immigrant Status Indicator Technology (US-VISIT), [redacted]

**REQUEST OF THE WORKING GROUPS**

The Working Groups are requested to review the information detailing the record linking concept for the Next Generation Identification (NGI) and IDENT/IAFIS Interoperability, consider the alternative implementation option presented in this paper and provide a recommendation.

**BACKGROUND**

The Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division and the Department of Homeland Security (DHS) United States Visitor and Immigration Status Indicator Technology (US-VISIT) Program have been working together to achieve Interoperability between the FBI's Integrated Automated Fingerprint Identification System (IAFIS) and the DHS Automated Biometric Identification System (IDENT). Interoperability is planned through incremental deployment with full interoperability to be achieved through the NGI. Since this paper discusses functionality

FBI-SC-1333



that will be accomplished through full interoperability, all references to what is currently known as IAFIS are reflected as NGI.

One benefit of full interoperability between NGI and IDENT is providing authorized users the ability to submit a single biometric transaction via a single interface to transparently and efficiently retrieve information from both systems. Another feature is users can be notified, via this single interface, whenever relevant data is updated in either system. A key component towards achieving this functionality is using a unique, "person centric" identifier from each system to link fingerprint records common to both NGI and IDENT, hereafter referred to as Record Linking.

Record Linking also has the potential to provide the following benefits:

- **Minimize the number of identification searches:** Where policy permits, when the user of one system hits against a linked record, information from the other system can be obtained without having to search the entire other system, which also decreases system processing. Furthermore, authorized criminal justice IDENT users, such as Immigration and Customs Enforcement (ICE) and Customs and Border Protection (CBP) for authorized criminal justice purposes, may retrieve the full criminal history record information from the Interstate Identification Index (III).
- **Faster response times:** Using the link identifier to retrieve information from the other system, as opposed to having to re-perform biometric searches results in faster response times. This also results in faster notifications to the shared identity owner in the other system.
- **Reduced operations cost:** Reductions in the number of cases requiring both systems to be exhaustively searched will reduce matcher and associated hardware costs and also reduce human verification costs.

The benefits of full Interoperability also present concerns with regard to protection of the data. To address these concerns, nine Data Protection Strategies have been incorporated into Interoperability. The primary objective of these strategies is to ensure that data shared between the systems is accurate, timely, relevant and complete. These Data Protection Strategies were introduced at the Fall 2006 Working Group meetings and endorsed by the Advisory Policy Board (APB) in December 2006.

Specifically, Data Protection Strategy #2 (Inventory of Data Shared), included the initial plan to do a comparison between data residing in NGI and IDENT prior to deployment of Interoperability to ensure each system reflected data that is current, accurate and appropriate. This initial strategy implementation would have also immediately identified commonly held subjects within NGI and IDENT to begin Record Linking.

FBI-SC-1334

In June 2008, an Informational Topic Paper discussed an implementation change to Data Protection Strategy #2. As opposed to a technically challenging "initial sync" of both systems, the agencies intend to incrementally establish record links as transactions are directed to the alternate agency.

Policies and agreements for data management have been established to ensure that each system continues to reflect data that is current, accurate and appropriate. For example, if a link has been established and subsequently all information on a subject is removed from NGI, a delete will be sent to IDENT and the link will be removed. Likewise, when DHS removes a record, a delete request will be sent to NGI and the link will be removed. Additionally, audits will be conducted periodically on both systems to ensure that proper maintenance actions are being performed.

With progress being made towards Interoperability, the intention of this paper is not to cover every aspect of Record Linking, but to provide significant points on how Record Linking is established in the Shared Services environment and an alternative implementation option.

#### **DISCUSSION AND ANALYSIS**

As stated previously, a record link is established for those fingerprint records both common to NGI and IDENT. However, a condition that must be met with regards to the fingerprint records held in both systems before a link can be established is both systems must have fingerprints for the same person as a result of an independent encounter. The only exception to this is where the FBI and DHS missions overlap. For example, an individual encountered by DHS's Customs and Border Protection for a criminal justice purpose could be maintained in both IDENT and NGI. In this instance, a record link could be established.

Furthermore, for Record Linking to be fully accomplished, the process of a new enrollment in IDENT or establishment of a criminal history record within NGI should initiate an identification search request to the other system to determine if the person has a common identity. This is consistent with the goal of the interoperability effort defined in the DHS/US-VISIT and DOJ/FBI Interoperability Concept of Operations to provide full information sharing between the two biometric repositories. For example, CJIS stakeholders will have the option to request a search of IDENT when submitting to NGI. However, a criminal submission to CJIS that does not designate IDENT as an external system to search will still be sent to IDENT for record linking purposes only. In this shared services environment, IDENT will not retain any biometric or biographic information unless IDENT already maintained the subject in their system as a result of an independent encounter. Exceptions to this rule will be determined through data owners and

FBI-SC-1335



all agencies party to this effort.

This functionality was an area of concern to the IAFIS Interface Evaluation Task Force. The other option is to only send a search to IDENT when the stakeholder requests, thereby minimizing the Record Linking functionality. This option could also result in ICE and CBP to miss state and local law enforcement interactions with Lawful Permanent Residents and visitors that may impact admissibility into the United States or present a national security threat to the United States.

The next process in link establishment is determining if the subject is a commonly held subject through biometric comparison and storing a "person centric" link identifier. From the CJIS stakeholder perspective, if a Tenprint Identification search sent to IDENT is determined to be a match, IDENT will store the "NGI link identifier" and return a response that includes the "IDENT link identifier" and biographic data. The "IDENT link identifier" is then stored with the subject's NGI record. From the DHS stakeholder perspective, if a Tenprint Identification Search sent to NGI is positively identified, NGI will store the "IDENT link identifier" and return the subject's Record of Arrest and Prosecution sheet (RAP sheet), which includes the "NGI link identifier" and biographic data. The "NGI link identifier" is then stored with the subject's IDENT identity. In this instance, both systems perform a biometric comparison, however only one system biometrically verifies the fingerprints in both systems belong to the same individual.

The establishment of record links in NGI and IDENT will enable the retrieval of information using the link identifier as opposed to having to re-perform a biometric comparison. Authorized CJIS stakeholders may subsequently request additional information on linked records, such as photos. Authorized criminal justice IDENT users, for an authorized criminal justice purpose may retrieve the full criminal history record information from III based on an established record link. Authorized non-criminal justice IDENT users will receive notification of activity on linked records, but full criminal history information disclosure will still be dependent on provisions of the National Crime Prevention and Privacy Compact.

#### RECOMMENDATIONS

**Option One:** For record linking/maintenance purposes, a search/record update will be sent to IDENT regardless of the CJIS stakeholder's request for an IDENT search.

**Option Two:** A search request will only be sent to IDENT when the CJIS stakeholder requests a search of IDENT.

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# Exhibit B

# Document 3

DHS/DOJ Interoperability IPT Meeting Minutes  
August 5, 2010

Attendees:

DHS/US-VISIT: [redacted]

FBI/CJIS: [redacted]

ICE: [redacted]

CIS: [redacted]

CBP: [redacted]

DOS: [redacted]

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Discussion Items:

Hot Topics

1. Introductions/Announcements

2. Brief-out from ESC Meeting on 7/21/10 [redacted]

a. Border Patrol processing of Flats Prints was approved by CJIS

- i. Letter of Approval and Assumptions sent on 7/12/2010.
- ii. One Assumption that the Interoperability functionality of record-linking will not be associated with the TPRS type of transaction (TOT) or flat fingerprint submissions.
- iii. CJIS provided a clarification during the ESC that the Interoperability functionality of record-linking will not be associated with any candidate response from IAFIS. This assumption applies to all submissions from IDENT for which a candidate response is requested.

b. Audit Unit briefed out Results of CJIS Audit of IDENT

- i. Recommendations were provided for maintenance and retention of data. One area of concern was highlighted with respect to overall system security where US-VISIT contractors working on the IDENT system had not signed the CJIS Security Addendum as part of their contract.
- ii. CJIS Advisory Policy Board (APB) will send a letter to US-VISIT with concerns and recommendations. This will go to the Sanctions Committee for review in December. Following that, it will be closed out.

c. Afghanistan Prints

- i. The FBI collected prints in Afghanistan prisons that were initially searched against IAFIS. Following that, the FBI provided a CD with criminal prints for search against IDENT and inclusion in the IDENT Watchlist as appropriate.
- ii. DOJ and DHS created a Working Group that is tasked with developing Standard Operating Procedures (SOP) for review, coordination, sharing and use of these prints.
- iii. [redacted] is the CJIS Point of Contact (POC). CJIS asked who the POC will be on the DHS side. [redacted] responded that [redacted] is the DHS POC for this effort.

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FBI-SC-1871

d. User Deployment Document



- i. DAD Morris expressed concerns about the process becoming too bureaucratic. For uses that clearly fall within categories accepted under the Interoperability MOU, we should work to find ways to streamline the process and expedite these requests. Director Moczy agreed and agreed to follow up on this.

**3. Rapid/10-Second Response [redacted]**

- a. US-VISIT expects an interim solution delivery in November 2010, with full end-state deployment (as defined in the FRD) in 2011.
- b. We are having daily discussions on US-VISIT side with the technical teams to define what can be delivered in each timeframe. We expect to reach out to Scott Trent with additional technical questions for clarification. Following that, US-VISIT will discuss with CJIS.

**4. Functional Requirements Gathering [redacted]**

- a. US-VISIT Functional Requirements Document (FRD) 2 is currently targeted for completion 10/31/10. Focus areas:
  - b. Record Linking and Wrap Back/Enhanced Notifications
    - i. We have a Working Group (WG) in place for this capability, and we are conducting bi-weekly meetings to discuss process flows with CJIS.
    - ii. We are also meeting internally on alternate weeks and making good progress.
  - c. JABS Gateway:
    - i. US-VISIT is working with ICE and Barbara Olds on this, also reaching out to Border Patrol. We are having preliminary meetings to discuss how the process will work for transitioning booking services.
    - ii. Per [redacted]: Currently, arrest/booking transactions are sent through the JABS Gateway to IAFIS. With the JABS Transition, fingerprints will go directly from IDENT to IAFIS. Although ICE will stop submitting arrest cycles for criminal justice through JABS Gateway, ICE will continue to submit to US Marshalls through JABS.
  - d. Automated Hit Notifications:
    - i. This refers to reducing Multiple Automated Hit Notifications coming out of the automated process. This effort was started last year; then put on hold and it has not been picked up again. b6  
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    - ii. [redacted] confirmed that this capability is currently not in scope for FRD 2. The US-VISIT Business Planning Team will not exclude this if it can be addressed during WG meetings; but they expect that this will be part of a later FRD release.

**5. Potential New Users Status Update [redacted]**

- a. Florida Department of Law Enforcement (FDLE):
  - i. Proposed recommendation is currently in review with US-VISIT Director and Assistant Director.
- b. Bioterrorism Risk Assessment Group (BRAG):
  - i. Proposed recommendation is currently in review with US-VISIT Director and Assistant Director.
- c. CJIS Special Identities Unit (SIU):
  - i. US-VISIT met internally to discuss this application and plans to consolidate questions and send to CJIS for discussion at next WG meeting on 8/12/10.
  - ii. If ICE, DOS, or CBP have any questions/concerns related to SIU, please send these to [redacted]
- d. Interpol:
  - i. Per [redacted]: We already have a WG in place where we discussed this user. We do not expect Interpol will come through the New User Process; rather this user will likely be 'grandfathered in', since it is a current user of IDENT and IAFIS.
  - ii. Interpol will go through the Existing Services Request process, which is already underway. [redacted] is the US-VISIT POC for this request.

FBI-SC-1872

- 6. Interoperability User Evaluation and Deployment Strategy Document [redacted]
  - a. This is a discussion item for the 8/12/10 New User WG Meeting. [redacted] will reach out to [redacted] to coordinate agenda items.

**Near Term Activities**

- 1. Secure Communities Brief-out [redacted]
  - a. We completed 50 activations this week. Secure Communities is now deployed in 27 states, including Montana and Mississippi.
  - b. A letter was sent requesting to opt out of the Secure Communities Initiative. ICE has drafted a response, and sent to Attorney General Holder and Secretary Napolitano. After the ICE Front Office has finalized this, they will forward to US-VISIT. b6  
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  - c. CJIS added that they would like to work with ICE to coordinate responses for message consistency.
  - d. This may create a gap for Record Linking unless every Law Enforcement office continues submitting prints to IDENT.

2. The next ESC Meeting is tentative scheduled for 8/18/2010.

3. The next Interoperability IPT Meeting is scheduled for 9/2/2010.

- 4. IFFS/SOR Data Sets [redacted]
  - a. The CJIS Privacy Impact Assessment was signed on 7/20/10 and posted in the Privacy and Civil Liberties library.
  - b. The WG last met on 7/16/10. CJIS asked for a better understanding of the business need for the IFFS data set. [redacted] is following up on that.
  - c. ICE has organized a Technical WG Meeting for tomorrow (8/6/10) to discuss how ICE can be notified when there is a match in IDENT.

- 5. IDR Evaluation Working Group [redacted]
  - a. The evaluation is divided into two phases: 1) Re-interviews, with four left to schedule; and 2) New interviews, with 19 left to schedule. Interviews are currently in process and on schedule.
  - b. Some counties were taken out due to technical issues. Per [redacted], we believe these states are capable of receiving the IDR; but some counties choose not to receive it.
  - c. We are on schedule to complete interviews in August. We do not plan to backfill for Phase 1 Re-interviews (14 in total) that cannot be conducted; but will backfill for Phase 2 New Interviews. The goal is to complete the interviews by 8/10/10.

- 6. FBI Mobile Phase II [redacted] b6  
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  - a. The implementation of the Full Identification Response was initially scheduled for delivery on 8/11/10; however, the date was changed to 8/25/10 due to connectivity and testing issues. We expect these will be resolved shortly.

7. Department of State Office of Personnel Security and Suitability (DOS OPSS)

- a. New date for deployment is 8/25/10.
- b. FYI [redacted] is leaving OPSS. The new POC will be [redacted]

**Other Items**

- 1. Change Request (CR) Updates [redacted]
  - a. CJIS CR #136 (UNIQUEID 246)
    - i. Add "Armed and Dangerous" and "Violent" Office Safety Alerts to the IDR
    - ii. CR was introduced last Wednesday 7/28/10, Impact Assessments due 8/13/10.

- b. CJIS CR #137 (UNIQUEID 247)
  - i. Add "Health Concerns" and "Other" Office Safety Alerts to the IDR
  - ii. CR was introduced 7/28/10, Impact Assessments due 8/13/10; however these may make longer than that due to privacy and technical issues.
  - iii. CJIS thank you to US-VISIT for guidance on these CRs and for moving forward

**2. POCs for Pre-vetting KSTs Prior to Submitting to NCTC** [redacted]

- a. This was discussed briefly at the previous IPT Meeting – CJIS would like to pre-vet unclassified KSTs prior to submitting to NCTC. We have a number of questions such as "Can we retain pre-vetted KSTs, what is returned, etc?"
- b. Action Item: [redacted] will send the list of questions to US-VISIT.
- c. CJIS expects that SIU would conduct pre-vetting activities. [redacted] asked if this could be handled as part of the SIU deployment Plan. CJIS responded that some of these questions could be addressed in the New User WG venue; but others would likely need to be handled separately.

**3. Use of FBI Civil Data with AFIT System 2011**

- a. Action Item: [redacted] will compile list of questions and send to CJIS for review.

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**IPT Action Items**

	DATE ASSIGNED	DESCRIPTION	ASSIGNEE	STATUS	DATE DUE
1.	7/1/10	Identify POCs for ORI clean-up (possible Standardization of Reason Fingerprinted).	US-VISIT	Open	8/31/10
2.	8/5/10	Compile and send list of questions to US-VISIT for pre-vetting KSTs prior to submission to NCTC.	CJIS [redacted]	New	
3.	8/5/10	Compile and send list of questions to CJIS for Use of FBI Civil Data with AFIT System 2011.	US-VISIT [redacted]	New	

The following Agenda Items were not addressed due to time constraints:

- 1. Decommission iDSM
- 2. PCSC Brief Out
- 3. IPT Joint Schedule

**Next Steps:**

The next DHS/DOJ Interoperability IPT Meeting is tentatively scheduled for Thursday September 2, 2010 at 1:00 PM EDT.

# Exhibit B

# Document 4

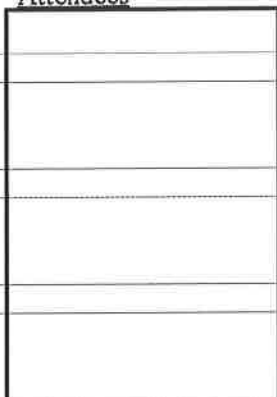


CJIS Joint Records Linking Meeting

10/21/10

1 - 3 p.m.

Attendees



[redacted] began the meeting.

[redacted] stated that this meeting is being held to discuss the Agenda and Discussion Topics to be presented at the joint CJIS/US-VISIT Record Linking Summit in Washington, D. C., from 10/26 - 10/28.

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[redacted] stated that the goal for Tuesday, 10/26, is for US-VISIT to authorize CAR submissions. This should be resolved first before moving into the next days of the summit which discuss record linking.

[redacted] stated that CJIS' position needs to be determined before this goal can be met. [redacted] stated that the benefit of record linking would be that CJIS would receive less search transmissions. US-VISIT would benefit more from record linking than would CJIS.

[redacted] asked if NGI would receive any benefit from receiving less search transmissions. [redacted] stated that the benefit would be dealing with less search transmission but that would lead to the requiring more record storage.

[redacted] stated that there is a benefit of less volume to IAFIS. US-VISIT may be opposed to retaining every CBP submission but if CJIS does rapback, it would be necessary. [redacted]

[redacted] stated that rapback is more focused on civil, and she asked who the recipient would be of the rapback information. [redacted] stated that it would be IDENT. He stated that it is not realistic to expect rapback to handle 40k or more records a day.



[redacted] stated that in previous discussions, the state's decision to opt out of Secure Communities is still an issue. [redacted] stated that this should be a discussion topic at the Summit.

[redacted] stated that there are two obstacles: not all CAR retains are submitted to search against US-VISIT (this creates a hole); if the state opts out, this prohibits records from going over (this also creates a hole). IDENT has not approved all CAR submissions to be searched against it. This needs to be discussed on Tuesday, 10/26. IDENT is concerned that it goes against the privacy and civil liberties.

[redacted] stated that she would like to know the percentage of CAR non-retains versus the CARS from CBP.

[redacted] stated that DHS said that there are two reasons why someone could search IDENT: if it serves DHS's mission; and if there is reasonable suspicion. Reasonable suspicion is not valid if a person looks foreign – this is considered profiling.

[redacted] asked if the states are opting out of Secure Communities. [redacted] answered that the states don't want the fingerprints sent to IDENT or have ICE activate on immigration information that ICE may get from a criminal arrest. That leaves a gap in record linking. [redacted] stated that this changes the APB recommendation.

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[redacted] stated that the NDR field would have to go back to the original intent and NGI would have to do things that they are not planning on and it would have an associated cost. [redacted] stated that the user dictates if they want a response. She stated that record linking contradicts this rule. [redacted] stated that no one has discussed changing the NDR field yet.

[redacted] stated that the ultimate goal of record linking is for all information to be searched against all systems to inform the user that the person being searched has no activity. [redacted] stated that if the NDR returns to how it was, it will kill Secure Communities.

[redacted] stated that CJIS needs to determine whether or not someone is able to search IDENT. [redacted] stated that this would be quite difficult.

[redacted] stated that on Tuesday, 10/26, CJIS wants approval from US-VISIT to accept all CAR submissions. He stated that if the opt in/out decision goes, it will change the NDR field purposes.

[redacted] stated that OPM sends NFUF's but other users do as well who are not authorized to search IDENT. He asked how that is handled. [redacted] answered that it was by agency on a case-by-case basis.

[redacted] stated that there are one of two things needed from US-VISIT: either they authorize everything; or they do it by ORI. [redacted] stated that it is a US-VISIT decision.

[redacted] asked how US-VISIT would know if a submission should be approved. [redacted] stated that CJIS has all of US-VISIT's users, and that there are no new users now. [redacted] stated that they would have to do it by ORI, so that would mean that CJIS would have to provide a copy of the ORIs to them. [redacted] stated that US-VISIT has been asking CJIS for the list of ORI's since 2006.

[redacted] stated that if the NDR field was reverted to how it was before, it would prepare CJIS to deal with US-VISIT. He asked if there was any other field that they could populate for a response. [redacted] stated that this would "muddy up" the purpose of the NDR field. She stated that CJIS needs to figure out what the purpose of the end objective is and figure out how NGI provides that service because it has changed from its original concept. CJIS needs to figure out what the new rules are. Use cases, scenarios, etc., are needed to figure out how to build to those specifications.

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[redacted] stated that record linking provides quick access for criminal entities and subsequent. [redacted] stated that even if CJIS were to get the approval of sending all CARS, it would not be as simple as it sounds. [redacted] stated that other criminal transactions will have holes too.

[redacted] stated that CIS and TSA are mostly protected identities. CJIS would have to ask them the question if they will allow CJIS to retain those fingerprints. [redacted] stated that CJIS is not sure what its benefits would be from this. [redacted] asked what the timeframe is that all of these topics need to be worked out. [redacted] answered that it was scheduled for January 2011.

[redacted] stated that she would like to add the history to the Agenda and talk about how things have changed since the beginning request of record linking.

[redacted] stated that rapback would be the solution regarding the protected identities. SIU is involved in that so that could be done on a case-by-case basis. [redacted] added that IDENT would not know about these transmissions.

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[redacted] asked about the status regarding the no-match responses. [redacted] stated that there are no requirements in NGI to cover it. If they choose to opt out, there are gaps. US-VISIT will store the no-matches. [redacted] stated that CJIS should not be sending the same prints to US-VISIT multiple times. [redacted] stated that the initial concept was that after the sync, CJIS would send the fingerprints back only if new ones were received of a higher image quality so that US-VISIT might be able to make a match. [redacted] stated that [redacted] had previously discussed building in the image quality. [redacted] stated that this could be added to the Agenda as well.

Agenda



[redacted] stated that having multiple FNUs to FINs lowers the trust factors. [redacted] stated that the reports and IDRs that are coming back to CJIS show that we should not trust their methods. [redacted] stated that the data integrity issue needs to be addressed by US-VISIT.

[redacted] stated that the goal of this Record Linking Summit still has not been determined.

[redacted] asked if NGI can support every submission from US-VISIT. [redacted] answered that there are 194k CBP submissions in the workload tables at this time. [redacted] stated that the data integrity is still an issue. [redacted] stated that there is a problem with the workload tables: it is not accounted for in the 10-second response on every one coming in through primary if there is no record linking. He stated that the ports of entry (air, sea) are sending every primary submission to CJIS. They do not search IDENT. They do a card swipe, they know if it's going to search IAFIS. A one-to-one check can happen first but a one-to-many check happens many times. A one-to-one check can tell if a person was/was not searched against IAFIS. Some searches will be sequential and some parallel. CJIS links on secondary searches. [redacted] stated that US-VISIT should be searching their system first. [redacted] stated that this applies to DOS. [redacted] stated that CJIS needs use cases and scenarios. [redacted] stated that DOS has an SLA that dictates that they need a rapid response. It hits IDENT and then CJIS. [redacted] stated that CJIS needs to develop use cases for NGI.

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[redacted] stated that the record linking value for USE is that it will lower the number of rapid searches to CJIS from primary. If they have a link of the four-print, they don't do a rapid response. They will record link with the FNU or no FNU. If the rapid response returns no candidates, they will link on no FNU (no match). If CJIS returns a no candidate, based on the 10-print, they will send for the rapid response and they will store the no match. If there is no candidate for the rapid response search, they could assume that the FBI does not have an identification. "Any indication of possible candidate" was the original requirement.

[redacted] stated that US-VISIT keeps the FBU based on the CMF record for indication of criminal activity. At the verify, they know they had an encounter before record linking. He asked how record linking would decrease the records from primary. [redacted] answered that if record linking goes away, they will still keep the FNU or the legitimate encounters. The decrease in the 10-second rapid response volume is the only benefit for NGI. [redacted] stated that US-VISIT is now doing all of the storing. [redacted] stated that if CJIS only sent new arrests, it would decrease US-VISIT workload.

[redacted] stated that CJIS stakeholders do not receive any benefit from rapback without record linking.

[redacted] stated that NGI needs a representative at the Summit. [redacted] stated that [redacted] will be representing what is currently in NGI

[redacted] stated that the dissemination rules that applied in the past will continue to apply today.

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Action Items

- Opting out of SC to be added as a discussion topic for Record Linking Summit
- Add "History of Record Linking" to Agenda
- Add "Higher Image Quality" to Agenda

Meeting adjourned.

# Exhibit B

# Document 5



Secure Communities Internal Meeting

8/30/10

1 - 2:05 p.m.

Attendees

[redacted] began the meeting. There were two handouts: ORI Validation Process and LEA/ORI Deployment.

Update

Opting Out

[redacted] stated that Interoperability WILL occur between CJIS and US-VISIT. There is no option for "opting out" of I/O. The state and local law enforcement agencies who submit CAR transactions will only be able to "opt out" of the responses. She stated that the APB and the Compact Council are onboard. CJIS timeline will be made transparent for a better understanding by the public. ICE will need to be more transparent with their outreach.

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[redacted] stated that states/cities are not mandated to participate in I/O. [redacted] stated that she is not aware of any agencies that have stated they do not want to participate.

[redacted] stated CJIS position is to support ICE. She stated that the Director is aware of Secure Communities questions and is prepared to answer them. ICE's Secure Communities can delay or defer, and CJIS will follow the deployment plan but in 2013, Interoperability will happen.

Deactivating

[redacted] stated that Colorado asked this question, but it is up to ICE to assure them and answer their questions.

Cooke County, IL

The SIB stated that they require something in writing from the agencies that do not wish to participate. Mr. [redacted] stated that CJIS could support the SAC by providing assistance to the LEA's. Mr. [redacted] stated that CJIS needs to ensure that Cooke County does not have an ordinance preventing them from participating. The SIBs need to be consulted.

[redacted] asked if Cooke County was on. [redacted] stated no. [redacted] stated that the county would not respond to the ORI. [redacted] stated that in July of 2009, the county said that all of the ORIs were fine, but then they wanted to remove the Chicago PD because the stated office discovered an ordinance. They will not send it to CJIS.

[redacted] stated that Mr. [redacted] has said that when NGI deploys, all CAR transactions will be sent.

**SC Touch Base Meeting**

The next meeting is scheduled for 8/31 from 2 – 3 p.m.

**Working Group Meeting**

The next WG Meeting is scheduled for 9/16 from 1 – 3 p.m. The Agenda will include:

- LEA Centric vs Jurisdiction Deployment Approaches
- ORI Validation Process

The above listed documents did not make it up management and were sent back to the WG.

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[redacted] stated that if ICE wants to do LEA Centric, then they will be responsible for it. CJIS will deal with the SIB. [redacted] stated that she is not comfortable with ICE managing the ORIs. [redacted] stated that they will not be managing the ORIs, but they will be responsible for ensuring the clean up. [redacted] asked who was responsible for the original list of the ORIs. [redacted] stated that it was Secure Communities.

[redacted] stated that the draft of the Individual LEA/ORI Deployment draft will be cleaned up by CJIS and sent out.

[redacted] stated that she was nervous about how CJIS was being represented in the LEA meetings since CJIS has stopped attending them. [redacted] stated that the APB is aware of I/O and is responsible for presenting it to the state LE. [redacted] stated that if CJIS gives incorrect information regarding the ORIs original list, then it is CJISs problem. This determines who is responsible the first time something goes wrong.

[redacted] stated that [redacted] had asked why CJIS does not do the LEAs. She stated that we will do a two-page summarization of the ORIs. [redacted] stated that CJIS should only work with one POC which is the state. CJIS will not be involved in any cleanup. That will be ICEs responsibility.

**Dashboard Calendar Comments**

Secure Communities had no comments.

**POC Updates**

No updates.

The next internal Secure Communities meeting is scheduled for 9/13, due to the holiday on 9/6.

Meeting adjourned.

Action Items

- [redacted] stated that the participants are to read the handouts and send comments in the comment sheet

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# Exhibit B

# Document 6

## Executive Steering Committee Meeting

DHS / DOS / DOJ / DoD Interoperability

February 17, 2010



Homeland  
Security

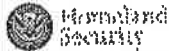


FBI-SC-4113



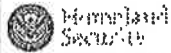
### Talking Points – Other items of Interest

- **Start time of ESC on Wednesday, 2/17/2010**
  - US-VISIT Indicated that they (Moony/Shonnie) may be late joining the ESC due to a GAO Review at 2p.m.
- **Trade Study Planning Document**
  - During the November IPT, DHS requested information on the trade study and lessons learned.
  - CJIS provided the trade study planning document to DHS the week of January 25th.
  - CJIS offered to Trade Study to those DHS would identify. No individuals identified as of yet.
  - DHS likely to request QA session.
- **IDENT Audit**
  - Audit schedule remaining
  - When can DHS expect to be briefed of the results of the audit?



### **Talking Points – Other items of Interest**

- **States request for locations to opt out of Secure Communities**
  - On June 4-5, 2009 the APB voted to do all submissions.
  - Populating the NDR field will determine if result returned, but all submissions will go to IDENT
  - Topic of discussion at Working Groups
  - Washington, New York, Pennsylvania
- **IFFS/SOR**
  - The Privacy Impact Assessment (PIA) has been reviewed by management to the Section Chief level and is currently with the Privacy and Civil Liberties Unit for review.
- **New Users/Uses**
  - External System vs. Authorized Contributor



**Introductions/Opening Remarks**

**Discussion Items:**





- ICE Success Story (*Rapp*)
- 10-Print Processing [redacted] (*DeMarco*)
- FBI Mobile [redacted] (*DeMarco*)
- [redacted]

**Update:**

- Secure Communities/Shared Services Deployment (*Rapp*)
- [redacted]
- Data Protection Strategy #2 [redacted]
- IDENT/ABIS Interoperability [redacted]
- [redacted]
- Upcoming Meetings [redacted]
- Interoperability User Evaluation and Deployment Strategy Document [redacted]

**Other Comments**





**Action Items**

 Minuteman Security   

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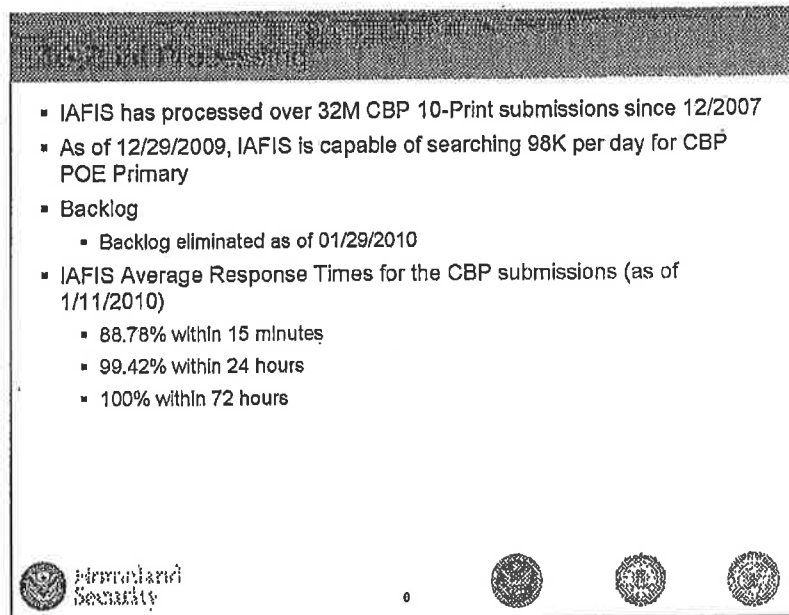
**Success Story: Dallas, Texas, Known MS-13 Gang Member**

- **Date:** August 7, 2009
- **Arrested By:** Dallas Police Department
- **Arrested For:** Driving while intoxicated
- **Booked Into:** Dallas County Jail
- **Country of Citizenship:** Guatemala
- **Immigration History:**
  - Removed from the U.S. in 2000
  - Issued reinstatement in 2001
  - Issued reinstatement in 2009
- **Criminal History:**
  - Known, high-ranking member of MS-13 Gang
  - Green light (death hit) placed on him by MS-13 members in Guatemala
- **Status:**
  - Case will be presented to AUSA for prosecution for illegal re-entry after deportation

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“ICE” success story should be Interoperability success





The slide features a dark grey header with the text "IAFIS Performance Summary". The main content is a bulleted list of performance metrics. At the bottom left is the Department of Homeland Security logo, and at the bottom right are three circular icons.





- IAFIS has processed over 32M CBP 10-Print submissions since 12/2007
- As of 12/29/2009, IAFIS is capable of searching 98K per day for CBP POE Primary
- Backlog
  - Backlog eliminated as of 01/29/2010
- IAFIS Average Response Times for the CBP submissions (as of 1/11/2010)
  - 88.78% within 15 minutes
  - 99.42% within 24 hours
  - 100% within 72 hours

**CBP Volume**

- CBP's ramp-up to 98,000 per day volume was completed on 12/31/2009.
- The IAFIS has processed over 32 million CPNU transactions from the CBP Primary Inspection since 12/10/2007.
- The positive identification average rate for the Week of 1/19-25 was 1.38%
- No Backlog of CPNUs
  - On 1/29/2010, DHS US-VISIT ITT announced that the backlog of CPNUs, which was at a peak of ~1.8 million transactions in, early November, is now down to zero transactions and has been worked off.
- CPNU Daily Average (for Week of 2/02-08/2010) - 52,510 per day

CONFIDENTIAL - SECURITY INFORMATION

- Backlog Review of CMF Encounters added to IDENT WL
  - 13,696 reviews with 11,368 demoted (83%)
- CBP Primary Submissions to the CMF will be queued by IAFIS April 28 through May 3, 2010 during Census
  - For 13 days after May 3, CPNU submission rate will be increased to allow up to 133,000 per day
- IAFIS Rapid Search (prior to NGI)
  - CJIS provided update to US-VISIT on 1/21/2010
  - CJIS, US-VISIT, and CBP are preparing and comparing high-level, process flow diagrams
    - BRT will identify detailed requirements
  - Schedule for joint implementation to be defined
  - DHS awaiting confirmation of funding source and determination of vehicle to transfer funds
  - CJIS waiting on DHS to provide peak volumes

 Hemlock Security
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**CBP processing of Primary during Census**

- As a precaution, CJIS requested DHS to queue one additional day of CBP 10-Print transactions from primary inspections during the IAFIS processing of Census submissions.
- US-VISIT to queue up these transactions from 4/28 - 5/3 (previously 5/2).
- However, the two week period to work off the transactions will not need to be extended.
  - Possible concern from ICE
  - Appears unfounded. Update to working off backlog of matches
    - 13, 696 of 300K (83% demoted)

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**Rapid/10-second response**

**IAFIS**





- Proposed cost includes \$3.2M for hardware and \$800K in O&M for 2 years prior to implementation in NGI plus \$200,000 for ITN/EFCON/III Superdome upgrades
  - Totals \$5M
- IIU FY10 AFR has been updated to include the cost to replace the NOE blades to be used to implement the rapid response in IAFIS. It has been submitted to FIN.
- IIU will pursue a reimbursable agreement with DHS for the cost of the NOE blades.
  - A deadline of 3/15/10 was established for DHS to commit to providing funds.
  - A deadline of 4/30/10 is for receipt of funds from DHS.
- CJIS is also waiting on DHS to provide peak volumes at CBP POE that will come to CJIS

**NGI**

- Bio Mod Part II was received on 1/29/2010. Initial review/analysis of costs is being conducted.
- Preliminary review reflects a \$5.8M cost for CBP 10 second requirement in NGI.

**CONFIDENTIAL**





- Phase I
  - Current operations – domestic and international
    - Addition of two Quick Capture Platform (QCP) devices in Dallas for domestic use in December 2009 – Crimes Against Children Unit (CACU)
    - List of additional locations for domestic deployment to be provided to DHS
      - Volume not to exceed the anticipated volume in the TVS of 100 searches per day
    - Legal
      - International operations fall under scope of the IDENT SORN and Exec. Order 13388
      - Domestic operations fall within scope of the IDENT SORN and the Interoperability MOU
  - Phase II – Full IDENT Response
    - Policy update - US-VISIT working with stakeholders to confirm the scope of data that can be shared and steps to mitigate any anticipated risks
    - Technical update – IT teams continuing to develop system requirements

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[Redacted]

- On 1/27/2010, CJIS received a request from US-VISIT on behalf of Border Patrol (BP) to provide the FNU's from the iDSM Shared Data – Wants/Warrants (W/W) and Known & Suspected Terrorist (KST) records with a Haiti Place of Birth (POB)
  - US-VISIT also requested permission to provide the fingerprint images and related biographic information to load onto BP mobile biometric devices as a backup for when connectivity to IDENT is not available
- On 1/27/2010, the APB Executive Committee met and unanimously voted to allow the copying of said records for use specific to this purpose
- On 1/28/2010, CJIS sent via email the FNU's with a Haiti POB to US-VISIT
  - 989 W/W
  - 2 KST
- Agreements:
  - Bi-weekly refresh of records
  - The BP will provide hit notifications for matches
    - On 2/10/2010, CJIS sent over 18 additional W/W

[Redacted]

 Maryland Security   

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- IIU is drafting a letter to be sent to US-VISIT Director Mocny from AD Roberts to document the agreement and to commend DHS for coming forward with this request
- Exercise highlighted issues with shared data
  - 83 of 991 records (~8%) were not found in IDENT but were in iDSM
  - 4,954 W/W in IDENT that should not be
  - 5,863 KSTs
  - 26,096 W/W that should be in IDENT and aren't
  - IDENT investigating why they were not loaded
  - Strengthens argument that SS is best way to keep records current, accurate, relevant and complete.




**SC Interoperability Cumulative Statistics (October 27, 2008–December 31, 2009)**

1,340,408	Level 1 Matches	14,067	Level 1	7,550	Level 1	2,944
	Level 2/3 Matches	131,801	Level 2/3	31,055	Level 2/3	19,798
Subtotal		145,868	Total		22,732	
USC Matches		9,053**	Total		22,732	
Total IDENT Matches		155,521				


\* Number of detainees issued is based on the month that the individual was checked via interoperability, not the month the detainer was issued  
\*\* Alien who were charged with or convicted of a Level 1, Level 2, or Level 3 crime  
\*\*\* Matches against FBI owned records in IDENT not counted

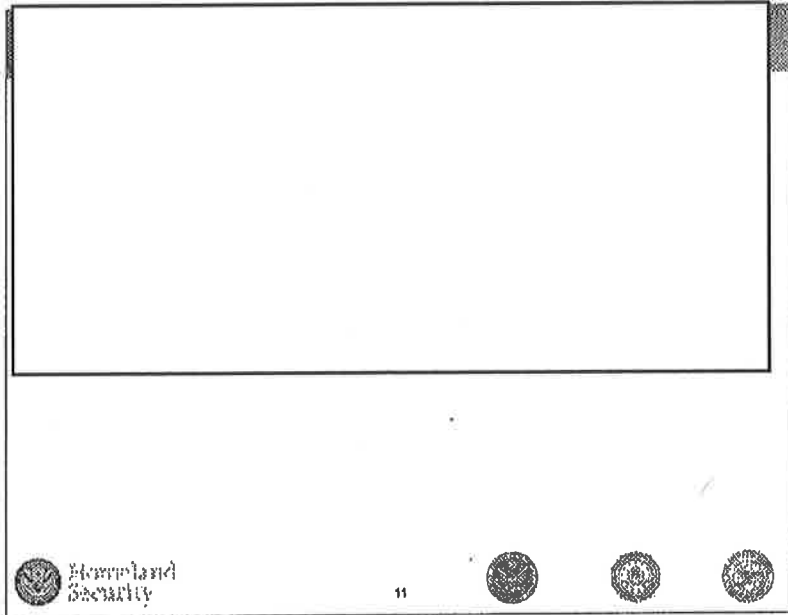
- Metrics since deployment of Interoperability began for SC in October 27, 2008:
  - 12% of all SC transmissions have resulted in an IDENT match
  - 9% of all IDENT matches have resulted in the identification of an alien charged with or convicted of a Level 1 offense
  - 85% of all IDENT matches have resulted in the identification of an alien charged with or convicted of a Level 2 or Level 3 offense
  - 6% of all IDENT matches have resulted in U.S. Citizen (USC) identification
- As of 1/31/10 Interoperability is deployed in 116 jurisdictions in 16 states (AZ, CA, FL, GA, IL, LA, MD, MA, MI, NM, NC, OH, OK, PA, TX, VA)



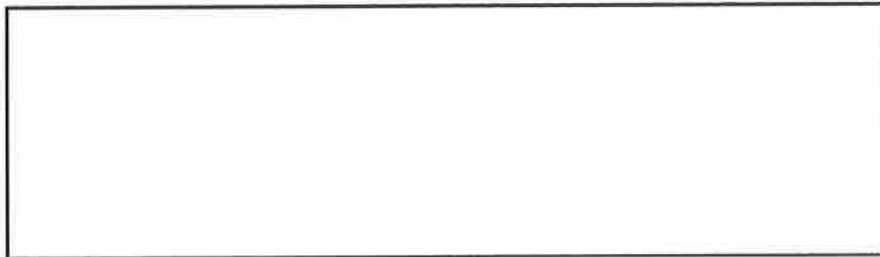
Department of Homeland Security

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FBI-SC-4123

2012-10-16 - Non-Ident Strategy #2 - Inventory of Shared Data

- Removal of all "non-linked" records within IDENT
  - Database and Matcher delete: 1.38M records - Complete
  - Identified an additional 114K CJIS records entered as "DHS Alerts" prior to iDSM. Process was completed in November 2009
  - Deleted 340K FBI Shared Services records linked to inactive Wants/Warrants in December 2009
- Implemented process to delete unlinked Wants/Warrants on a daily basis until CR211 is deployed


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12




  

Enhancing Interoperability

- DHS and DoD agreed on current MOA draft; currently under review by DoD and DHS Department Leadership

 Department of Homeland Security

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[Redacted]

- US-VISIT and CJIS conducting review of revised Administrative and Technical Implementation Agreement (ATIA)
  - US-VISIT/CJIS comments disposition meeting pending
- [Redacted]

Information Security

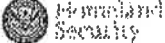



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**Upcoming Meetings**

- IDENT Capabilities Working Group (ICWG)
  - February 17, 2010 (Rosslyn, VA)
- DHS 1<sup>st</sup> Quarter Briefing to the House and Senate Appropriations Committees
  - February 26, 2010 (Washington, DC)
- Executive Stakeholder Board
  - March 11, 2010 (Rosslyn, VA)
- APB Working Groups
  - March 3-4, 2010 (Louisville, KY)
- Compact Council Standards Committee
  - March 24, 2010 (San Antonio, TX)

15

**DHS 1st Quarter Appropriations Briefing scheduled for Friday, 2/26 at 10:00 a.m.**

- Location (Senate Dirksen Building and Room TBD)
- *CJIS Attendees:* SC Rudge,
- Logistics – CJIS catch a ride with  Meet at 9:30 a.m.– FBI HQ Room 6026
- Latest Draft version of Briefing document sent to OMB on Tuesday, 2/16

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FBI-SC-4127

10/10/09 Evaluation of Deployment Strategy Doc

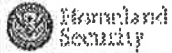
- Approved by the Interoperability IPT on 12/10/2009
- Under US-VISIT Management review
- CR has been submitted to place on CIL
- Pending requests for access
  - DOS Office of Personnel Security and Suitability (OPSS)
  - Joint Task Force – Florida Department of Law Enforcement (FDLE)

Homeland Security 10

- 12/10/2009 - Document approved by the Interoperability IPT
- CR has been submitted to place on the CIL
- US-VISIT canceled the WG-IRT scheduled for 2/10/2010 to place this document on the CIL
- **Is the IPT the proper entity to carry forth decisions for DHS?**
- New users to search IDENT are waiting to go through the process
  - DOS OPSS
  - Joint Task Force Access

FBI-SC-4128

ESC Action Items		
1.	[July ESC] DoD to provide metrics on accuracy rates for each modality and fusion.	Open
2.	[July ESC] CBP will take back to management the possibility of implementing a 15-30 second response as an interim solution.	Open
3.	[July ESC] DHS and CJIS to determine if there is a need to establish a Working Group to discuss the possibility of implementing a 15-30 second response in IAFIS (prior to NGI) as an interim solution.	Open
4.	[July ESC] US-VISIT to provide an implementation date for the software changes to handle future demote/delete messages.	Open
5.	[September ESC] ICE and US-VISIT to evaluate the format error message that results from several searches from the LESC.	Open





# Exhibit B

# Document 7

**CJIS ADVISORY POLICY BOARD**  
June 4-5, 2009

**STAFF PAPER**

**INFORMATIONAL TOPIC**

Access to Department of Homeland Security Information by Federal, State, and Local Criminal Justice, Intelligence, and Authorized Non-Criminal Justice Agencies: Update on the Progress to Date with Interoperability.

**PURPOSE**

Provide stakeholders with information regarding the implementation of biometric-based interoperability between the IAFIS and IDENT.

**POINTS OF CONTACT**

[redacted] Federal Bureau of Investigation/Criminal Justice Information Services Division (FBI/CJIS)/Biometric Services Section, [redacted]

[redacted] DHS/United States - Visitor and Immigrant Status Indicator Technology (US-VISIT) Program/Project Management Branch - IDENT [redacted]  
[redacted]

[redacted] DHS/Immigration and Customs Enforcement (ICE)/Secure Communities, [redacted]

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**FEEDBACK**

Please send all questions or comments concerning this topic via the **electronic feedback form on Law Enforcement OnLine** or via the **feedback form provided to the Advisory Groups Management Unit at facsimile, (304) 625-5090, or e-mail: AGMU@leo.gov.** All questions will be answered prior to the meeting and a copy of all questions/comments and their responses will be compiled and disseminated to Working Group attendees.

**BACKGROUND**

The Department of Justice/Federal Bureau of Investigation (DOJ/FBI) and the Department of Homeland Security/United States – Visitor and Immigrant Status

Indicator Technology(DHS/US-VISIT) both operate fingerprint-based identification systems. These systems were developed concurrently by DOJ in the 1990's and were not designed to be interoperable. The FBI manages the Integrated Automated Fingerprint Identification System (IAFIS) which was deployed in 1999 and DHS operates the Automated Biometric Identification System (IDENT) which was deployed in 1994.

The lack of interoperability between the two systems created gaps for immigration and law enforcement officials when relying on a single system check. The information contained in either system was not directly retrievable by users of the other system. Various legislative acts have required the FBI and DHS to ensure that the biometric systems are interoperable to share information.

The DHS, DOJ, and Department of State (DOS) recognized the need to efficiently share biometric and related biographic information to support the missions of those agencies dependent upon their services. The agencies worked together to satisfy Congressional mandates and developed an approach for sharing information. Executives from the DOJ/FBI, Department of State (DOS), and DHS/US-VISIT created an Interoperability Integrated Project Team (IPT) in May 2005. The three agencies developed and signed an Interoperability charter that defined guiding principles to direct the interoperability solution. A phased approach to Interoperability was developed which included interim and long-term capabilities. In July 2008, an Interoperability Memorandum of Understanding (MOU) was signed by the DOJ/FBI, DOS, and DHS/US-VISIT.

The interim Data Sharing Model (iDSM) was the prototype that provided the initial step for bi-directional information sharing. The iDSM was deployed on September 03, 2006. The iDSM has provided increased data-sharing capabilities until additional Interoperability enhancements were implemented. With the iDSM, the FBI and DHS exchanged read-only copies of fingerprint images of limited data subsets from the IAFIS and IDENT. The IAFIS subsets include known or suspected terrorists (KSTs), as well as all subjects with wanted notices associated with an FBI record. The subsets of data from IDENT include DHS expedited removal records and the DOS category one visa refusals (statutorily inadmissible) records. Authorized users of each system are able to access the other's records to determine if an encountered subject is located within the shared records.

#### **Transition from iDSM to Shared Services**

The FBI/DOJ and DHS have transitioned from the iDSM to Shared Services. However, the iDSM continues to be operational so that the KSTs and the Want

and Warrants data can be exchanged with DHS/US-VISIT through the iDSM. With the transition to Shared Services, the agencies that participated in iDSM are now able to access the full IDENT Repository with a single query. One agency, the Department of Defense, has yet to make the transition to Shared Services. Until DOD transitions to Shared Services, DOD queries continue to be searched against the iDSM dataset.

#### **Full Search of IDENT Repository**

In October 2008, a significant milestone was achieved when, for the first time, participating Interoperability stakeholders gained biometric-based access to the full IDENT repository. The necessary methodology and mechanisms have been implemented to support a search request of both IDENT and the IAFIS through a single interface. This process, known as Shared Services, enables a participating agency, either an authorized the IAFIS or IDENT user, to access certain biometric and biographic information retained in the other system.

When a fingerprint submission is forwarded to the FBI CJIS Division from these participating agencies, a concurrent search of the IAFIS and IDENT is executed. This search results in separate responses from the IAFIS and IDENT. The IAFIS response continues to be returned separately following current business processes and response times based on type of transaction. These submissions are also searched against the two print and 10-print records within IDENT. IDENT responds with either a match or no-match IDENT Data Response (IDR). The IAFIS generates an Immigration Alien Query (IAQ) message to the Law Enforcement Support Center (LESC), based on the information returned within the match IDR. The LESL responds to IAFIS with an Immigration Alien Response (IAR) and the IAFIS returns a combined IDR/IAR to the State Identification Bureau. Upon receipt of a no-match IDR, the IAFIS forwards the IDR to the State Identification Bureau.

All requests for a search of IDENT will be limited to criminal submissions by state, local, and federal law enforcement, as well as for authorized noncriminal justice purpose checks, in accordance with the Interoperability MOU. Noncriminal justice purpose checks will be considered on a case-by-case basis by DHS in accordance with the MOU for an authorized user with an authorized use. Both IDENT and the IAFIS have control mechanisms in place to ensure users are authorized to request and receive the IDR.

All of the iDSM participating agencies, with the exception of DOD, were successfully transitioned to Shared Services by 11/17/2008. In conjunction with

the Interoperability effort, additional state and local law enforcement agencies are gaining biometric-based access to the full IDENT repository through the DHS/Immigration and Customs Enforcement's Secure Communities Program. Phase I of this initiative has targeted specific counties in the following eight states: Arizona, California, Florida, Massachusetts, North Carolina, Pennsylvania, Texas, and Virginia. The following chart provides the number of submissions forwarded to IDENT and the positive matches returned.

**Shared Services Statistics  
10/27/2008 through 04/09/2009**

State/Agency	Number of Searches to IDENT	Number of Matches to IDENT Data
Texas	63,744	14,358
Massachusetts	8,509	917
North Carolina	26,575*	4,101**
Office of Personnel Management	519,701	21,428
Pennsylvania	9,381	2,033
Arizona	68,539	14,821
Florida	39,184*	6,163**
Virginia	1,462	566
<b>Total</b>	<b>737,095*</b>	<b>64,403**</b>

\* Number of Searches to IDENT includes the number of initial arrests and CPI messages

\*\* Number of Matches includes initial arrests and CPI messages

**Responses via CJIS Wide Area Network**

In addition to the IAFIS response, Interoperability participants will now receive a second response via the CJIS Wide Area Network (WAN). The second response will be either the match IDR/IAR or the no match IDR. Not all states are currently programmed to receive a second response. Additionally, routing issues to the local law enforcement agencies have also been encountered with the second response. Furthermore, a match IDR/IAR could include up to five photographs



which may pose another impact to the state. However, a state is still able to participate in the ICE Secure Communities Program while routing issues are being resolved. Even though routing issues may exist, fingerprint submissions from Interoperability participants will be forwarded to IDENT and queries sent to the LESC with the IAR being forwarded to the ICE Detention Removal Office (DRO). The end-user will not receive the second response.

### **Data Protection Strategies**

The Interoperability IPT continues to work toward implementation of the nine data protection strategies previously endorsed by the APB. The Interoperability IPT has agreed to continue their implementation as follows:

<b>Data Protection Strategy</b>	<b>Shared Data</b>	<b>Shared Services</b>	<b>Status</b>
Strategy 1: Communication	Fully brief composite model to all Interoperability Stakeholders (OMB, Congress, Homeland Security Council, DHS Stakeholders, FBI Advisory Policy Board, National Crime Prevention and Privacy Compact, etc.)		Ongoing
Strategy 2: Inventory of Shared Data	Prior to deployment, DHS/US-VISIT and DOJ/FBI will compare the data residing in each system and ensure each system reflects data that is accurate, current, timely, and relevant.	DHS/US-VISIT and DOJ/FBI will work together to begin identifying and linking "common" records	Presented approach during Spring 2008 round of APB. Agreed to implement on a day-one forward basis.
Strategy 3: Mission-Related Data	Data will be retained within each respective system consistent with the agency's mission.		Strategy will be achieved with implementation of the shared data component of the Composite Model with Separate Image Repository (CMSIR)
Strategy 4:	Strict data management	By nature of this model, each	Strategy will be

Data Management	policies will be developed to govern the removal and demotion of records to ensure each system contains accurate, complete, timely, and relevant data.	agency will be assured of receiving the most current and accurate data	achieved with implementation of the shared data component of the CMSIR. DHS and FBI are determining common definitions for data management processes and terms.
Strategy 5: Data to be Shared	Information to be shared will consist of data necessary to accomplish the mission in a timely and efficient manner (e.g., fingerprint images and limited biographic data). Data will be shared in a consistent manner with existing business practices.		Ongoing – data remains consistent with IDSM data.

Data Protection Strategy	Shared Data	Shared Services	Status
Strategy 6: FBI Number	A unique identifier will be exchanged in the shared data model to point back to the owning agency's record. This unique identifier will provide for immediate access to remaining information for authorized purposes. The unique identifier will support current business practices.	FBI Number will be a manner consistent with existing business services.	The current use and process of the FNU will remain until implementation of the shared data component of the CMSIR.
Strategy 7: Audit	Rigorous audit and run controls will be established and implemented.		Presented approach during Spring 2008 round of APB. Agreed to expand log reviews as appropriate; real-time audits supported within constraints; exploration of new audit tools.
Strategy 8: Prevention of Third-Party Sharing	Develop a Memorandum of Understanding (MOU) to prevent third party sharing of IAFIS and DHS data outside of the original purpose.		Strategy addressed in Interoperability MOU and Appendices – final signature

			received August 1, 2008.
Strategy 9: Hit Notification	Administrative messages will be issued to the wanting agency and the inquiring agency when subjects of wants and warrants are encountered by DHS.	Current business practices will continue.	Strategy will be achieved with implementation of the shared data component of the CMSIR. DHS and FBI working to resolve multiple hit notifications in activity log.

**DHS Transition from 2 to 10 Print**

DHS has achieved a major milestone toward interoperability by deploying 10-print scanners to the CBP primary processing lanes that provides the capability to capture 97% of in-scope travelers with full deployment to be achieved by September 2009.

The 10-Print process allows for enhanced border security. The DHS 10-Print process benefits state and local law enforcement by identifying aliens with active wants/warrants with improved accuracy and permits DHS to better screen individuals with criminal histories seeking admission to the United States.

**Secure Communities Update**

The DHS/Immigration and Customs Enforcement Secure Communities Program is improving community safety by transforming the way the federal government cooperates with state and local law enforcement agencies to identify, detain, and remove all criminal aliens held in custody. This Program is changing immigration enforcement by using technology to share information between law enforcement agencies and by applying risk-based methodologies to focus resources on assisting all local communities remove high-risk criminal aliens. The goal of this program is to make communities safer by identifying and removing those criminal aliens who pose the greatest threat to local communities. Interoperability between the IAFIS and IDENT is assisting ICE and local law enforcement officers in positively identifying criminal aliens in prisons and jails. Initial focus will be on identifying and removing aliens who have been convicted of or are currently charged with a Level 1 crime. Level 1 crimes include, but are not limited to the

following: homicide, kidnapping, sexual assault, and aggravated assault. The long term goal will focus on identifying and removing all criminal aliens held in federal, state and local jails and prisons.

The first phase of this initiative includes counties within the following eight states: Arizona, California, Florida, Massachusetts, North Carolina, Pennsylvania, Texas, and Virginia. Selected participants began to deploy incrementally on 10/27/2008. As of 4/2/2009, 48 out of 51 agencies are currently participating in the program. Three deployments remain for the completion of Phase 1: Los Angeles, San Diego, and Ventura Counties in California.

Additional sites are currently being identified for the second phase of this initiative. ICE is working with the FBI/CJIS Division to gather the information and data needed to compile the next list of agencies and deployment dates.

**Cumulative Secure Communities  
10/27/2008 through 03/29/2009**

Number of Fingerprint Submissions Received Through Interoperability	Number of Matches (Hits) in IDENT	IARs Generated by LESC (Level 1 Crimes)
<b>188,077</b>	<b>22,034</b>	<b>1,635</b>

\*Does not include OPM data nor data from 287 (g) sites.

**Success Story:**

On 3/9/2009, the Boston Police Department of Roslindale, MA, a Secure Communities partner, booked individual on a charge of domestic assault and battery. Using biometric identification, the ICE Miami Field Office, assisting the

Boston Field Office with a 24 x 7 response capability, identified subject as a native and citizen of Honduras, who was previously removed from the United States on 11/22/2006. This individual's criminal history indicates he is associated with the "Normandies Locos" who are affiliated with the Mara Salvatrucha gang (MS-13). The ICE Boston Field Office has reinstated this individual's previously issued removal order and will execute it upon the completion of subject's pending criminal proceedings.

**Next Steps**

This paper outlines the recent progress achieved by the Interoperability IPT toward implementing biometric-based Interoperability between the IAFIS and IDENT. The FBI will continue to work with DHS/ICE to deploy additional sites through the Secure Communities Program. In addition, the FBI and DHS will complete an evaluation of the IDR through interaction with Interoperability participating agencies.

Currently, the functionality is being developed for Next Generation Identification (NGI) and will be delivered incrementally. The FBI is working incorporate remaining Interoperability functionalities and/or capabilities and also determining the impacts to Interoperability participants when the transition to NGI occurs.

FBI-SC-13418



# Exhibit B

# Document 8

**Unknown**

**From:** Gibson, Beth N  
**Sent:** Friday, April 15, 2011 2:49 PM  
**To:** (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); Rapp, Marc A;  
 (b)(6), (b)(7)(C)  
**Subject:** Re: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails  
 Marc, Can you add the cite - not at my desk.

**From:** (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>  
**To:** Gibson, Beth N <(b)(6), (b)(7)(C)>; Hale, Brian P <(b)(6), (b)(7)(C)>  
**Sent:** Fri Apr 15 14:41:28 2011  
**Subject:** RE: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

10-4. Reporter for California Watch with the Center for Investigative Reporting is also working on a story regarding the release of the most recent SC emails. He's asking for clarification about an email apparently sent by Randi Greenberg which states that legislation makes IDENT/IAFIS interoperability mandatory. Reporter wants to know specifically what legislation/legal authorities make the IDENT/IAFIS operability mandatory. Please advise. Thanks

**From:** Gibson, Beth N [mailto:(b)(6), (b)(7)(C)]  
**Sent:** Friday, April 15, 2011 12:09 PM  
**To:** Hale, Brian P; Gibson, Beth N; (b)(6), (b)(7)(C)  
**Subject:** Re: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Great, then I am comfortable (b)(5)

**From:** Hale, Brian P <(b)(6), (b)(7)(C)>  
**To:** Gibson, Beth N <(b)(6), (b)(7)(C)>; Navas, Nicole <(b)(6), (b)(7)(C)>  
**Sent:** Fri Apr 15 10:16:43 2011  
**Subject:** RE: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Yes. We will pull together and send to you soon. (b)(5)

**From:** Gibson, Beth N [mailto:(b)(6), (b)(7)(C)]  
**Sent:** Friday, April 15, 2011 10:03 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** Hale, Brian P  
**Subject:** Re: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Do you have copies?

**From:** (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>  
**To:** (b)(6), (b)(7)(C) Chandler, Matthew; (b)(6), (b)(7)(C) Sandweg, John; (b)(6), (b)(7)(C)  
**Cc:** Hale, Brian P <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) (b)(6), (b)(7)(C); Gibson, Beth N

12/4/2011

<(b)(6), (b)(7)(C)>; Barr, Suzanne E <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>  
Sent: Fri Apr 15 09:43:00 2011  
Subject: RE: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

(b)(5)

From: (b)(6), (b)(7)(C) [mailto:(b)(6), (b)(7)(C)]  
Sent: Friday, April 15, 2011 9:42 AM  
To: (b)(6), (b)(7)(C) Chandler, Matthew; (b)(6), (b)(7)(C) Sandweg, John; (b)(6), (b)(7)(C)  
Cc: Hale, Brian P; (b)(6), (b)(7)(C) Gibson, Beth N; Barr, Suzanne E; (b)(6), (b)(7)(C)  
Subject: RE: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

(b)(5)

(b)(5)

From: (b)(6), (b)(7)(C) [mailto:(b)(6), (b)(7)(C)]  
Sent: Friday, April 15, 2011 9:36 AM  
To: Chandler, Matthew; (b)(6), (b)(7)(C) Sandweg, John; (b)(6), (b)(7)(C)  
Cc: Hale, Brian P; (b)(6), (b)(7)(C) Gibson, Beth N; Barr, Suzanne E; (b)(6), (b)(7)(C)  
Subject: RE: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Below is info provided in NYT FOIA story. We can certainly provide to NPR before they file story. Please advise.  
Thanks

U.S. Immigration and Customs Enforcement (ICE) is committed to protecting public safety through the removal of criminal aliens. Through Secure Communities, ICE is better able to identify and remove aliens who have violated state criminal laws and pose a threat to public safety.

There has been substantial confusion as to what is meant by “opting out” in the context of Secure Communities and whether “opting out” is possible. Where Secure Communities is deployed, it is mandatory that the fingerprints state and local jurisdictions submit to the FBI be shared with ICE. Once Secure Communities is activated in a jurisdiction, the fingerprints that jurisdiction submits to the Department of Justice’s biometric system to check for criminal history records are automatically sent to DHS’s biometric system to check against its immigration and law enforcement records. The United States government has determined that a jurisdiction cannot choose to have the fingerprints it submits to the federal government processed only for criminal history checks. Nor can a jurisdiction demand that the identifications that result from DHS’s processing of the fingerprints not be shared with local ICE field offices in that jurisdiction. The ICE local field office, and not the state or local law enforcement agency, determines what immigration enforcement action, if any, is appropriate. In that sense, a state or local jurisdiction may not “opt out” of Secure Communities.

A jurisdiction may, however, choose not to receive the identifications that result from processing the fingerprints through DHS’s biometric system. A jurisdiction’s decision not to receive this information does not affect whether the local ICE field office in that jurisdiction will or will not take enforcement action based on those identifications. In that sense alone, jurisdictions may “opt out” of only this limited

12/4/2011

aspect of Secure Communities.

ICE retained a contractor to assist in the implementation of Secure Communities. Unbeknownst to officials in ICE headquarters, these contractors discussed various ideas that did not reflect the goals of ICE headquarters and mischaracterized the manner in which Secure Communities operates. None of these ideas were even considered by ICE leadership, much less implemented.

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**From:** Chandler, Matthew <(b)(6), (b)(7)(C)>  
**To:** (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) Sandweg, John; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** Hale, Brian P <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>; Gibson, Beth N  
 <(b)(6), (b)(7)(C)>; Barr, Suzanne E <(b)(6), (b)(7)(C)>  
**Sent:** Thu Apr 14 21:17:21 2011  
**Subject:** Re: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Can you pull up the NYT answers from the last FOIA story?

---

**From:** (b)(6), (b)(7)(C) [mailto:(b)(6), (b)(7)(C)]  
**Sent:** Thursday, April 14, 2011 09:15 PM  
**To:** Chandler, Matthew <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>;  
 <(b)(6), (b)(7)(C)>; Sandweg, John <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>;  
 <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>;  
 (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>  
**Cc:** Hale, Brian P; (b)(6), (b)(7)(C); Gibson, Beth N; Barr, Suzanne E  
**Subject:** Re: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Along the lines of inconsistencies if jurisdictions can opt out.

(b)(6), (b)(7)(C) Public Affairs Specialist/Spokesperson U.S. Immigration and Customs Enforcement (ICE)

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**From:** Chandler, Matthew <(b)(6), (b)(7)(C)>  
**To:** (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) Sandweg, John; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** Hale, Brian P <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>; Gibson, Beth N  
 <(b)(6), (b)(7)(C)>; Barr, Suzanne E <(b)(6), (b)(7)(C)>  
**Sent:** Thu Apr 14 21:12:40 2011  
**Subject:** Re: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Adding others...do we know what exactly the emails said?

---

**From:** (b)(6), (b)(7)(C) [mailto:(b)(6), (b)(7)(C)]  
**Sent:** Thursday, April 14, 2011 09:10 PM  
**To:** Chandler, Matthew <(b)(6), (b)(7)(C)>; (b)(6), (b)(7)(C) <(b)(6), (b)(7)(C)>  
**Cc:** Hale, Brian P; (b)(6), (b)(7)(C)  
**Subject:** Fw: OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

Matt (b)(6), (...)  
FYI: Advocates in California made public hundreds of emails between ICE and California officials regarding the "activation" of California's cities and counties in SC.

12/4/2011

(b)(6), (b)(7)(C) Public Affairs Specialist/Spokesperson U.S. Immigration and Customs Enforcement (ICE)

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**From:** (b)(6), (b)(7)(C)  
**To:** Hale, Brian P; Gibson, Beth N  
**Cc:** (b)(6), (b)(7)(C)  
**Sent:** Thu Apr 14 20:19:02 2011  
**Subject:** OPA - LA NPR Affiliate Inquiry on Newly Released Secure Communities Emails

ISSUE: A reporter for KPCC (the LA NPR affiliate) is asking for ICE's comment on the release today by the Nat'l Labor Organizing Network of internal ICE emails regarding the deployment of Secure Communities in California. The headline on the organization's website claims "ICE deliberately misled California officials about S-Comm to stem opposition." Reporter is filing a story later today or early tomorrow. PAO plans to respond this evening.

BACKGROUND; The lead graph on the organization's website states:

Today, advocates in California made public hundreds of emails between federal Immigration and Customs Enforcement (ICE) and California officials regarding the "activation" of California's cities and counties in ICE's controversial "Secure Communities" (S-Comm) program, which ensnares local police in federal immigration enforcement efforts. The documents were obtained by the National Day Laborer Organization, the Center for Constitutional Rights, and the Cardozo Immigrant Justice Clinic through Freedom of Information Act litigation. The emails reveal a federal agency in state of disarray, and a chorus of questions and complaints from California cities and counties wary of thrusting their police into the role of immigration enforcers. "The domino effect is starting," wrote an unidentified ICE official on May 25, 2010.(1) Questions about S-Comm were rolling in after strong opposition from San Francisco and Santa Clara County. Marin County's Juvenile Probation Office was "quite agitated about [S-Comm] being 'forced' on them."(2) San Mateo and Riverside County were requesting clarification on how they could opt-out of the program.(3) Sonoma County representatives were "upset" about receiving misleading information from ICE.(4) The ICE official frantically sought "messaging that can help . . . keep them on board."(5)

RESPONSE: PAO plans to provide the reporter with the statement below which was previously provided to Associated Press following the release of earlier emails.

**Deliberative, internal correspondence should not be confused for final policy. Because Secure Communities is fundamentally an information sharing partnership between federal agencies, state and local jurisdictions cannot opt out from the program, though state and local jurisdictions can opt not to receive the results of immigration queries. ICE gladly works with jurisdictions that do not wish to activate Secure Communities on their scheduled date in the Secure Communities deployment plan to address any concerns and determine appropriate next steps. ICE is currently using this capability in 1,188 jurisdictions in 41 states. By 2013, ICE plans to have fully deployed this technology to identify criminal aliens throughout the nation.**

(b)(6), (b)(7)(C)  
Western Regional Communications Director/Spokesperson  
U.S. Immigration and Customs Enforcement (ICE)  
Phone: (b)(6), (b)(7)(C)  
www.ice.gov

12/4/2011



# Exhibit B

# Document 9

RE Meeting in New York.txt  
From: [redacted]  
Sent: Wednesday, February 03, 2010 4:21 PM  
To: [redacted]  
Cc: Rapp, Marc A  
Subject: RE: Meeting in New York

b2  
b6  
b7c

Thanks [redacted] I am forwarding this email to [redacted] as she is the CJIS POC for the Northeast region. I haven't seen you and the others from ICE for a while -- going into withdrawl. Hope to see you soon.

[redacted]  
FBI, CJIS Division  
Interoperability Initiatives Unit

[redacted]  
From: [redacted]  
Sent: Wednesday, February 03, 2010 3:29 PM  
To: [redacted]  
Cc: Rapp, Marc A  
Subject: Meeting in New York  
Hi [redacted]

I wanted to keep you informed of our outreach to NY. We've just secured a meeting for Tuesday, Feb 9 at 1:00pm in Albany with [redacted] (Commissioner NY State Division of Criminal Justice), [redacted] (Deputy Commissioner NYSDCJ), and [redacted] (Director NY State Office of Homeland Security). From ICE, Marc Rapp, the NY FOD, the Buffalo DFOD, and I will be attending. While our meeting will not be technical in nature, you are welcome to attend. Please let me know if you'll plan to attend, and as soon as I have the details of the exact location, I'll forward to you.

Hope all is well in WV. We've got a cover of snow here in DC and are expecting more this weekend..

Thank you,

[redacted]

[redacted]  
Branch Chief, Deployment  
Secure Communities, ICE  
[redacted] - desk  
[redacted] - mobile

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form.