Exhibit B

Documents 10 - 22

Exhibit B

Document 10

Policy Initiation and Coordination
Reporting Period: May 18 – May 22, 2009

Hot Topics

Biometric Center of Excellence

- **BCOE Program Management / Concept Development**
  - The BCOE will foster appropriate safeguards to ensure personally identifiable information is protected to the fullest extent. On 05/21/2009, the BCOE participated in a teleconference call with Senior Assistant General Counsel [redacted] of the Privacy and Civil Liberties Unit in the OGC. Discussion pertained to the creation of a Privacy Impact Assessment for the program and the web site. b6 b7C
- **Coordination / Collaboration**
  - The BCOE is coordinating a Facial Identification Scientific Working Group (FISWG) meeting to be held at Atlanta, GA, the week of 06/15-19/2009. As of 05/22/2009, there are 34 participants registered for the meeting which consists of state, federal, and international representatives.
- **DoD**

Biometric Interoperability

- [redacted] b2 b7E
- **Coast-Guard**
  - [redacted]
  - The Coast Guard is currently in the requirements phase. The main focus of the discussion was for the Coast Guard to better understand what is available in IAFIS and to address technical questions.
- **CBP Primary - criminal justice vs. non-criminal justice**
  - A draft outline was provided to the working group on 05/18/2009 for review.
    - FIN requested an extension of 05/26/2009 to submit comments
    - Comments will be incorporated and forwarded to Executive Management for review/comment prior to moving forward with the white paper
- **Evolution of Shared Data**
  - The PIA has been drafted and is being circulated for review.
  - Waiting for comments back from FBI OGC.
- **Census Bureau**
  - Meeting with US-VISIT and CPB held on 05/21/2009 to discuss queuing of CPNU submissions during the period of Census (April 28-May 2, 2010).
  - Both US-VISIT and CBP pressed for a reason why Census cannot submit over an extended period of time to alleviate the capacity issues.
  - CBP is concerned that CJIS queuing their CPNU submissions will be used to validate a claim that POE is civil. CBP also expressed frustration in not being asked if they could hold submissions, but told CPNUs must be queued.

- **Secure Communities**
  - TX Dept of Criminal Justice deployed on Monday, 05/18/2009
  - San Diego County, California will deploy on Tuesday, 05/26/2009
  - SC Outreach Travel to Law Enforcement Agencies on 05/26-29/2009: El Paso, Marfa, Harlingen, Laredo and San Antonio, TX
- **Interoperability ESC Meeting**
  - Pre-ESC meeting is scheduled for 05/28/2009 at 11:00 a.m. As requested, NBRP will brief DAD on 05/29/2009 at 9:30 a.m.
  - ESC meeting is scheduled for 05/29/2009 at 10:00 a.m.
    - DOD [redacted] plans to participate at US-VISIT
- **DHS Appropriations Committee Briefing**
  - The briefing is scheduled for 06/03/2009 at 10:00 a.m. Waiting for confirmed location (Building and Room) from US-VISIT.
  - The final talking points were provided to OMB.
  - A pre-meeting with CJIS executives is scheduled for 06/01/2009 at 3:00 p.m.
- **Personnel Transfer with DHS/ICE**
  - Revising EC to Associate Deputy Director to include responsibility/duties while assigned at ICE.
  - Need name of Special Agent to be incorporated into EC.

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HSPD 24

- NCTC is conducting a data call to provide senior Counterterrorism (CT) leaders/managers with an integrated view of the IC's performance against the CT mission and a set of community initiatives to address shortfalls and gaps.
  - Responses are due to the Executive Staff by COB 5/26/2009.
  - CJIS staff [redacted] to review the FY2009 CT Integrated Landscape Assessment and provide responses [redacted] y 05/22/2009. A consolidated response will be forwarded to Executive Staff by deadline.
- Terrorist Screening Center (TSC):
  - Meeting held on 05/14/2009 to discuss TSC Biometrics Business Requirements document
    - Working Group members have provided specific questions with regard to functionality referenced in the document. All comments are being deconfilicted and a consolidated list will be sent out 05/26/2009.
    - Executive management attempted contact with Unit Chief assigned to TSC; no response has been received as of 05/21/2009.
- National Security Threat Implementation Working Group (NST IWG):
  - The final report encompassing a KST and NST update for the President is on schedule for the 06/05/2009 deadline.

Biometric Interoperability Statistics

Shared Services Statistics 05/14/09 - 05/21/09		
State / Agency	# of Searches to IDENT	Matches to IDENT Data
Secure Communities		
TX	3,237	722
MA	496	57
NC	1,687	316
PA	615	155
AZ	5,705	1,240
FL	6,440	1,346
VA	339	110
Sub-Totals	***18,519***	***3,946***
Shared Services		
OPM	24,684	1,105
FBI Agent Access (Phase I)	30	8
Sub-Totals	***24,714***	***1,113***
Totals	**43,233**	**5,059**

iDSM Statistics 05/14/09 - 05/21/09		
Agency	# of Searches	Positive Identifications to IDENT data
DOD	4,557	2

Meetings and Major Activities

UPCOMING ACTIVITIES

Date(s) To - From			Meeting Description and Time	City and State Building/Room #	Participant(s)	Unit(s)	Purpose/Comment
5/19	5/20	NBRP	[redacted]	Rocky Gap, MD	SC DelGreco, S.Trent, [redacted]	Many	
5/19	5/19	NBRP	SC Outreach Local LEA	Tucson, AZ	[redacted]	NBRP	Outreach
5/20	5/20	NBRP	SC Outreach Local LEA	Corpus Christi, TX	[redacted]	NBRP SDO	Outreach
5/26	5/26	BCOE	CODIS/NDIS Transition Working Group VTC	Telecon – B3-708	[redacted]	BCOE, ITMS, FIN	
5/27	5/29	NBRP	SC Outreach Local LEA	Harlingen, Laredo & San Antonio, TX	[redacted]	NBRP	Outreach
5/27	5/28	NBRP	SC Outreach Local LEA	El Paso, Marfa TX	[redacted]	NBRP	Outreach
5/27	5/27	NBRP	[redacted] *(11:00 a.m.)*	CJIS *(DAD Conf Rm)*	DAD Morris, SC DelGreco, [redacted]	Many	
5/28	5/28	NBRP	(May) Interoperability Pre-ESC *(11:00 am - Noon)*	CJIS *(DAD Conf Rm)*	(Acting) AD Pender, DAD Morris, SC DelGreco, [redacted]	ALL	
5/29	5/29	NBRP	(May) Interoperability ESC *(10:00 am - 11:00 am)*	CJIS *(DAD Conf Rm)*	(Acting) AD Pender, DAD Morris, SC DelGreco, [redacted]	ALL	
6/1	6/1	NBRP	Pre-Meeting for DHS Appropriations Briefing *(3:00 p.m.)*	CJIS *(DAD Conf Rm)*	(Acting) AD Pender, DAD Morris, SC DelGreco, [redacted]	Many	
6/3	6/3	NBRP	DHS Appropriations Committee (Quarterly US-VISIT Briefing) *(10:00 a.m.)*	Washington, DC *(Bldg & Rm - TBD)*	DAD Morris, SC DelGreco, [redacted]	ALL	
6/4	6/5	NBRP	APB Meeting	National Harbor, MD	[redacted]	NBRP	
6/15	6/19	BCOE	FISWG Meeting	Atlanta, GA	[redacted]	BCOE	To provide meeting support for FISWG meeting.
6/20	6/24	NBRP BCOE	National Sheriff's Association Meeting 2009	Fort Lauderdale, FL	[redacted]	NBRP BCOE	Combined booth for NBRP and BCOE.
8/16	8/22	BCOE	[redacted]	Tampa, FL	[redacted]	BCOE	

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COMPLETED ACTIVITIES – Previous Week

Date(s) To - From			Meeting Description and Time	City and State Building/Room #	Participant(s)	Unit(s)	Purpose/Comment
5/11	5/11	BCOE	BCOE Monthly Teleconference	Teleconference	[redacted]	BCOE TEST	To discuss BCOE development activities and share information regarding FBI biometric activities.
5/12	5/14	NBRP BCOE	2nd Annual Biometrics & Forensics Summit	San Diego, CA	[redacted]	NBRP BCOE	Training and networking
5/13	5/14	NBRP	Compact Council Meeting	Atlanta, GA	[redacted]	NBRP	
5/13	5/13	NBRP	SC Outreach Local LEA	Las Cruces, Deming NM	[redacted]	NBRP	

FBI-SC-16568

Timeline

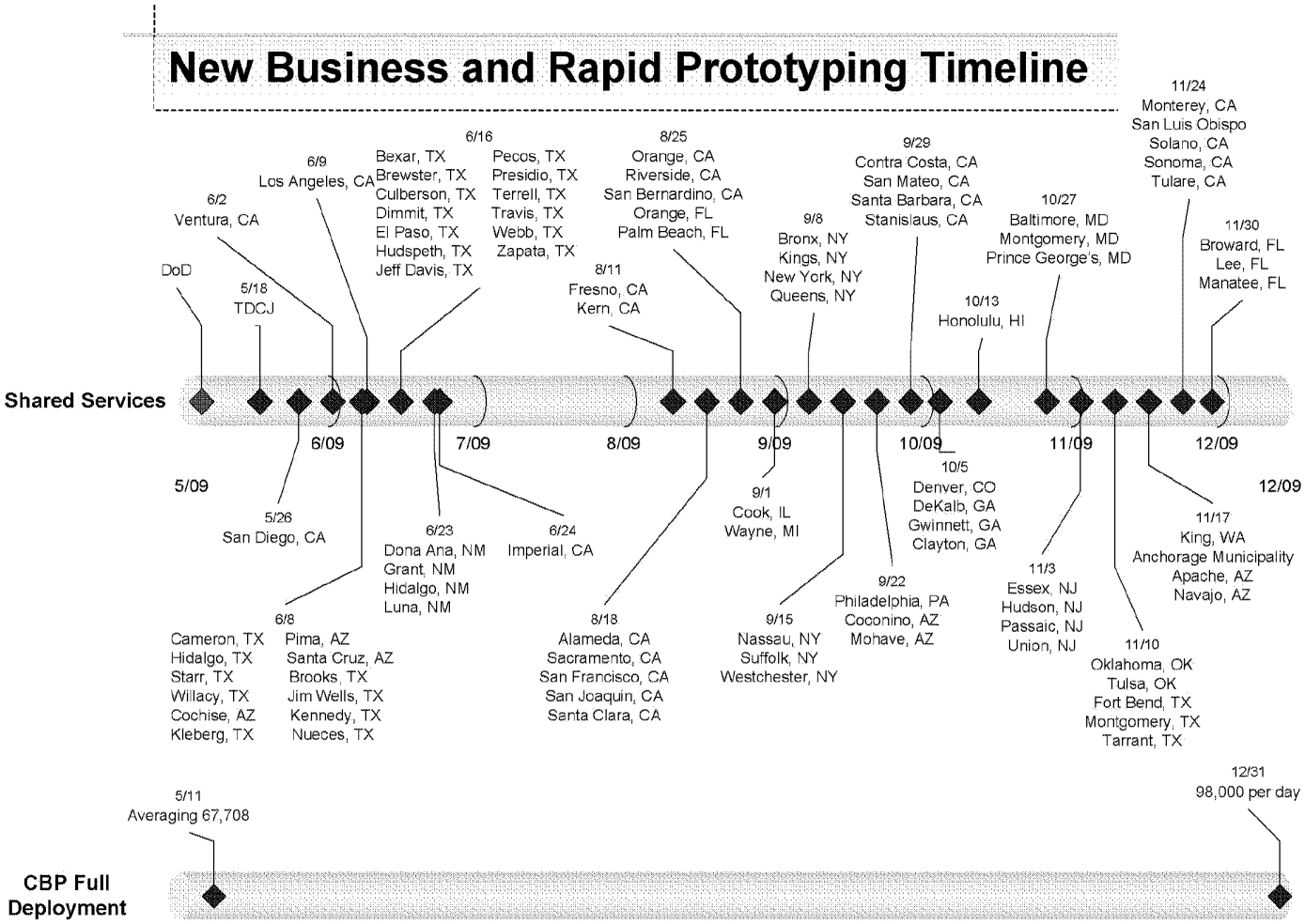
New Business and Rapid Prototyping Timeline
Shared Services
CBP Full Deployment
DoD
5/09
5/11
Averaging 67,708
5/18
TDCJ
6/2
Ventura, CA
5/26
San Diego, CA
6/8
Cameron, TX
Hidalgo, TX
Starr, TX
Willacy, TX
Cochise, AZ
Kleberg, TX
Pima, AZ
Santa Cruz, AZ
Brooks, TX
Jim Wells, TX
Kennedy, TX
Nueces, TX
6/9
Los Angeles, CA
6/16
Bexar, TX
Brewster, TX
Culberson, TX
Dimmit, TX
El Paso, TX
Hudspeth, TX
Jeff Davis, TX
Pecos, TX
Presidio, TX
Terrell, TX
Travis, TX
Webb, TX
Zapata, TX
6/23
Dona Ana, NM
Grant, NM
Hidalgo, NM
Luna, NM
6/24
Imperial, CA
6/09
7/09
8/09
9/09
10/09
11/09
12/09
8/11
Fresno, CA
Kern, CA
8/18
Alameda, CA
Sacramento, CA
San Francisco, CA
San Joaquin, CA
Santa Clara, CA
8/25
Orange, CA
Riverside, CA
San Bernardino, CA
Orange, FL
Palm Beach, FL
9/1
Cook, IL
Wayne, MI
9/8
Bronx, NY
Kings, NY
New York, NY
Queens, NY
9/15
Nassau, NY
Suffolk, NY
Westchester, NY
9/22
Philadelphia, PA
Coconino, AZ
Mohave, AZ
9/29
Contra Costa, CA
San Mateo, CA
Santa Barbara, CA
Stanislaus, CA
10/5
Denver, CO
DeKalb, GA
Gwinnett, GA
Clayton, GA
10/13
Honolulu, HI
10/27
Baltimore, MD
Montgomery, MD
Prince George's, MD
11/3
Essex, NJ
Hudson, NJ
Passaic, NJ
Union, NJ
11/10
Oklahoma, OK
Tulsa, OK
Fort Bend, TX
Montgomery, TX
Tarrant, TX
11/17
King, WA
Anchorage Municipality
Apache, AZ
Navajo, AZ
11/24
Monterey, CA
San Luis Obispo
Solano, CA
Sonoma, CA
Tulare, CA
11/30
Broward, FL
Lee, FL
Manatee, FL
12/09
12/31
98,000 per day

Exhibit B

Document 11

Microsoft Outlook

From: (b)(6), (b)(7)(C)
Sent: Friday, May 20, 2011 3:21 PM
To: Gibson, Beth N; Hale, Brian P
Cc: (b)(6), (b)(7)(C)
Subject: OPA: Secure Communities and New York

Hi Beth and Brian,

Issue:
A reporter in New York with El Diario who also writes for the blog "Feet in Two Worlds" has requested information on Secure Communities and pressure on New York Governor Andrew Cuomo to terminate the SC memorandum of agreement with ICE.

Background:
Secure Communities has been deployed in 27 of 62 jurisdictions in New York state. Immigration advocates have reportedly been calling upon the governor to bow out of Secure Communities.

Planned response:
PAO plans to provide the following cleared information on participation in Secure Communities to the reporter.

- "Secure Communities is not voluntary and never has been. As we have noted before, unfortunately, this was not communicated as clearly as it should have been to state and local jurisdictions by ICE when the program began. We have taken several specific steps to address this issue. Through outreach with local jurisdictions and members of congress, we have since made the parameters of the program clear to all stakeholders involved."

  Secure Communities is mandatory in that, once Secure Communities is activated in a jurisdiction, the fingerprints that state and local jurisdiction submits to the FBI to be checked against the Department of Justice's biometric system 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. Further, jurisdictions cannot 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 local ICE 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 that are provided to the local ICE field office. This ability for jurisdictions to choose not to receive the results of the information sharing between the FBI and DHS has in the past been mischaracterized as a mechanism for a jurisdiction to "opt out" of the program as a whole. In fact, a jurisdiction's decision."

- DHS has expanded the Secure Communities initiative—which uses biometric information and services to identify and remove criminal aliens in state prisons and local jails—from 14 jurisdictions in 2008 to more than 1,200 today, including all jurisdictions along the Southwest border. DHS is on track to expand this program to all law enforcement jurisdictions nationwide by 2013. In FY 2010 alone, Secure Communities led to the arrest of more than 59,000 convicted criminal aliens, including more than 21,000 convicted of major violent offenses like murder, rape, and the sexual abuse of children.

- We're focused on smart, effective immigration enforcement that prioritizes criminal aliens who pose a public safety threat.
- To date, Secure Communities has led to the removal of more than 72,000 illegal immigrants convicted of crimes, including more than 26,000 convicted of major violent offenses like murder, rape and the sexual abuse of children.
- By 2013 we plan to make Secure Communities available to every jurisdiction in the country.

I plan to speak to the reporter at 1:00 PM PDT today.

(b)(6), ...

(b)(6), (b)(7)(C)
Spokeswoman and Public Affairs Officer
Pacific Northwest & New York
U.S. Immigration and Customs Enforcement
Homeland Security Investigations &
Enforcement and Removal Operations
(Office) (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C)
(Mobile) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

Exhibit B

Document 12

Protecting the Nation
FBI Perspective: national security gaps in our communities

Background

The fingerprint systems separately maintained by the Departments of Justice (DOJ) and Homeland Security (DHS) are managed, respectively, by the Federal Bureau of Investigation Criminal Justice Information Services Division (FBI CJIS) and the United States Visitor and Indicator Status Technology (US-VISIT) program. Both systems were originally deployed by the DOJ, the parent agency of the FBI and the legacy Immigration and Naturalization Service (INS), which was subsumed under the DHS umbrella in 2003.

The lack of information-sharing between the DOJ databases, Integrated Automated Fingerprint Identification System (IAFIS) and Automated Biometric Identification System (IDENT), created a public perception of ineffectiveness following two high-profile cases. To ensure improved communication between the two systems and prevent similar incidents, Congress directed in Fiscal Year 2000 Appropriations language that an integration strategy be devised. Congress expressed concern that other federal, state, and local law enforcement agencies should have access to INS Border Patrol data and that the Border Patrol should have the full benefit of FBI criminal history records when processing persons apprehended at the border.

In response, the DOJ submitted the IDENT/IAFIS Integration Plan, dated March 1, 2000, and developed an integrated fingerprint workstation, capable of simultaneously searching both the IDENT and IAFIS for the Border Patrol. A pilot deployment of the integrated workstation began in 2000, with rollout to additional sites throughout 2001 and 2002. Deployment of the integrated workstations continued on schedule following establishment of the DHS in 2003, and full deployment was completed within 2005.

Interoperability Status

Representatives from various offices held periodic discussions in 2003 and 2004, but it was not until the formation of a joint FBI CJIS and US-VISIT Integrated Project Team (IPT) in May 2005 that Interoperability discussions were re-invigorated at a working group level. The IPT recommended a phased Interoperability approach, incorporating an interim solution, Initial Operating Capability (IOC), and Full Operating Capability (FOC).

Although access to the FBI's Criminal Master File (CMF) was previously available to any authorized agency, the integrated IDENT/IAFIS workstation streamlined the process used by IDENT customers by eliminating split routing and multiple fingerprint captures. Conversely, information sharing from IDENT to IAFIS was not enabled until the deployment of the interim Data Sharing Model (iDSM) in September 2006. Serving as a proof of concept for Interoperability efforts, the iDSM established the platform and processes necessary to increase the data shared between the Department of State (DOS), DHS and DOJ, and piloted technology alternatives for the Interoperability solution. The iDSM replaced the previous extract method of sharing Want/Warrant (W/W) and Known

Impact to FBI

NGI is one of the largest development efforts undertaken by the FBI. The project, scheduled to be delivered incrementally over the next 10 years, is estimated to cost approximately one billion dollars. FBI CJIS already invested time and resources in meticulously planning for as well as implementing the early stages of this major initiative. Current NGI requirements had to be vetted through the APB in order to safeguard state and local agencies' interests. The NGI contract was required to go through a lengthy approval process by FBI and DOJ. The DHS request to change the 30 second requirement to 10 seconds at this late stage will have severely adverse implications on several fronts such as cost, schedule and increased oversight.

Cost:

- Potential for significant cost impact exists as even a minor change to the original requirements listed in the contract requires an Engineering Change Proposal (ECP), necessitating the expenditure of millions of more dollars.
- Funding for NGI is based on previously agreed upon requirements.
- Current fingerprint trade studies are being conducted based on the 30 second requirement. The change to 10 seconds may require additional trade studies, resulting in additional cost.
- FBI CJIS will have to expend more time and resources in re-addressing NGI priorities with state and local law enforcement agencies due to DHS changing requirements after the project has been initiated. APB has been briefed previously and would have to be apprised of the change in requirements as well as possible impacts.

Schedule:

- Last minute requirements changes could cause schedule slippage on all NGI increments, causing embarrassment to the FBI and DOJ. As the largest development effort by the FBI, NGI has received press coverage in the national media.
- Other NGI functionality will probably be delayed.
- NGI's Project Baseline Agreement (PBA) has been approved by FBI Deputy Director in January 2009. Requirements change would entail revisions to the PBA as well as further approval by the Deputy Director.
- Changes of this nature must be vetted through FBI and DOJ, requiring additional time to be built into the schedule.

Oversight:

NGI contract has been under close scrutiny by FBI Headquarters (FBIHQ) since its inception and had to traverse the FBIHQ gating process. Additionally, FBI CJIS is held responsible to various agencies such as Government Accountability Office (GAO), Office of Management and Budget (OMB), Inspector General (IG) and Department IT Investment Review Board (DIRB). Requirements changes such as the 10 second response will result in intensified scrutiny.

Exhibit B

Document 13

Executive Steering Committee Meeting

DHS / US-VISIT & DOJ / FBI Interoperability

August 7, 2008

DRAFT

Homeland Security

Agenda

Introductions/Opening Remarks

Discussion Points

A. North Carolina Counties and NFF States [redacted]
   - Use of Default Data and CPI message

B. UK-Visa [redacted]
   - Search of CJIS owned dataset (search and no response)
   - Request to full access of CMF

C. Secure Communities Deployment - ICE

D. Stakeholder Process [redacted]

E. Request for NCIC Access for LE&I Unit [redacted]

F. Establishment of Recurring ESC Meeting Date/Time [redacted]

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FBI-SC-21084

Agenda

Update:

- Ramp-up to 98K – [redacted]
- IDENT ability to handle Secure Communities Volumes/Roll Out – Mike Gannon
- Shared Data Component – [redacted]
- Increasing Datasets in Shared Data Component – [redacted]
- Single Search Deployment – [redacted]
- Status of Rapid Search Request – [redacted]

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A. North Carolina Counties and NFF States

- Use of Default Data and CPI Message
  - Single Search submissions to IDENT contain the following:
    - Fingerprint Image
    - Name
    - DOB
    - TCN (which will be replaced with FNU for all confirmed Identifications)
  - CJIS is also generating Single Search submissions to IDENT from participating NFF state's CPI messages.
    - CPI messages do not contain name and DOB information
    - For North Carolina, default values for Name and DOB fields will be used

Homeland Security

A. North Carolina Counties and NFF States

- Use of Default Data and CPI Message
  - US-VISIT has identified the need for name and DOB information from CPI submissions before searching IDENT
  - Outstanding Issues:
    - CJIS:
      - Name and DOB associated with submission is not available
      - Providing name and DOB of associated CMF record will require development effort/time/resources
    - US-VISIT:
      - Additional NFF state's CPI participation constraints

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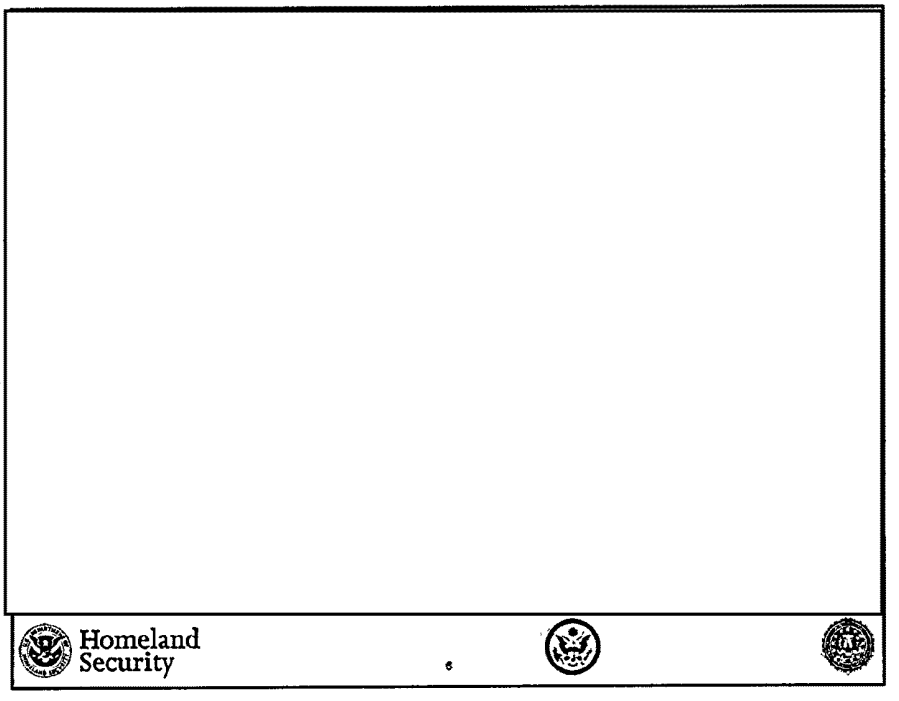

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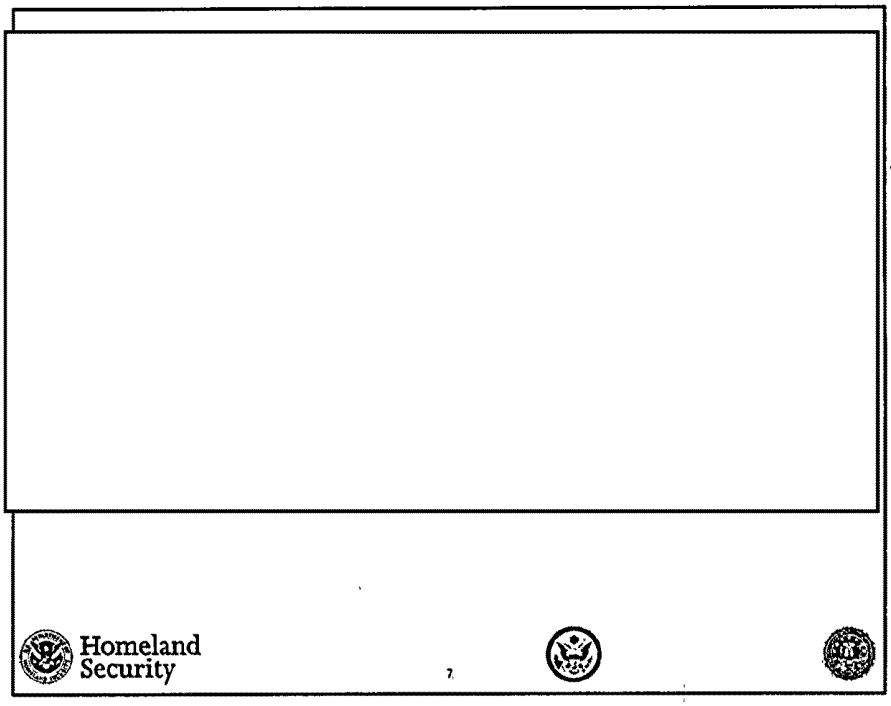

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C. Secure Communities Deployment

Through Interoperability SC initial focus is on processing criminal aliens who pose the greatest threat to their communities

- SC relies on the sharing of national and local immigration and law enforcement data through Interoperability to identify criminal aliens
- Those individuals who pose the greatest threat to their communities are individuals who have been convicted of major drug offenses and violent offenses such as murder
- For aliens convicted of serious offenses, ICE will detain and remove the individual after they complete their sentence
- For those aliens who may have been convicted in the past of a serious offense and now booked for a minor offense, ICE will seek to take them into custody immediately
- ICE estimates that it will take up to 3.5 years to rollout Interoperability to all local jails and booking facilities
- ICE is working in full partnership with FBI CJIS Division and US-VISIT and their stakeholders to make sure all are actively engaged to fully understand Secure Communities

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FBI-SC-21087

C. Secure Communities Deployment

SC along with its CJIS and US-VISIT partners has outlined immediate objectives to prepare for the first phase of IDENT/IAFIS Interoperability deployment

- Next Steps:
  - Conduct the site selections assessment with the State Identification Bureaus (SIBs)
  - Work with CJIS, US-VISIT, and the SIBs, to conduct outreach and training at the local jails and booking locations
  - Finalize the initial site selection list
  - Finalize the Secure Communities concept of operations
  - Begin deploying interoperability to the first phase location

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D. Stakeholder Process

- CJIS Advisory Process
  - The process is one of shared management: the FBI, local and state data providers and system users share responsibility for the operation/management of all systems administered by the FBI CJIS Division.
  - Topic Papers Suggestions are submitted to Designated Federal Officer
    - Information
    - Action
  - Working Groups review operational, policy, and technical issues related to CJIS programs/policies making recommendations to the APB or a subcommittee
  - Subcommittees thoroughly review controversial policies, issues, program changes, and formulate alternatives and recommendations for the consideration of the APB.
    - Identification Services Subcommittee
  - Advisory Policy Board is responsible for reviewing appropriate policy, technical, and operational issues related to CJIS Division programs and makes recommendations to the FBI Director
  - The APB, Subcommittees, and Working Groups meet twice yearly
  - A motion was made and carried in December 2005 by the APB that the IIETF is the appropriate vetting body for specific Interoperability details
- ESC
  - There is APB representation on the ESC
  - DHS representation on APB
  - During the APB process, items may require elevation to the ESC
  - Items from the ESC could get vetted through the APB process

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D. Stakeholder Process

- [redacted] to provide slide

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E. Request for NCIC Access for LE&I Unit

- [redacted] to provide slide

Homeland Security

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F. Establishment of Recurring ESC Meeting Date/Time

- Issue
  - Meetings currently occur on "as needed" basis
  - Difficult to schedule meetings in timely manner due to schedule conflicts
  - ESC Meetings this Calendar Year
    - 03/14/08
- Discussion
  - Determine frequency
    - Monthly / Quarterly / Semi-annually / Other
  - Determine best date/time for recurring ESC meetings
    - Identify "mandatory" attendees for ESC meetings
    - Work with appropriate secretaries to schedule meetings
  - Flexibility
    - Allow flexibility for "ad hoc" meetings for special situations/issues

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Ramp-up to 98K

- FBI has made operational and technical changes to support 48K searches per day from CBP Primary by 12/19/08
- Follow-up from 05/28/08 letter
  - Status of CBP prioritization of submissions to IAFIS
  - Response time requirements for CPNU transactions
    - Something between 24 hours and 72 hours
  - User agreement was signed on 05/26/08
- Status of Ramp-up beyond 48K
  - Established internal working group (operational and technical representatives) to prepare plan for increasing beyond 48K prior to NGI
  - Plan anticipated in October
- Future need
  - Positive identification vs. candidate response
    - CBP Primary transaction requirements currently identified as candidate responses within 30 seconds in NGI
  - True volume – 98K

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IDENT ability to handle Secure Communities Volumes/Roll Out

- Not sure we need this slide...included this as an outstanding issue under the Single Search slide. We need to make sure not to lose this item though when they try to edit the slides.

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Shared Data Component

- CJIS:
  - Network upgrades at Rockville Data Center continue
  - Ability to upgrade shared data updates from once per day to real-time on-schedule for first quarter of CY09
- US-VISIT:
  - Update from US-V

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Increasing Datasets in Shared Data Component

- Action item for CJIS and ICE from Rocky Gap Off-site
- CJIS to determine if additional datasets can be included in SD component
  - Established internal working group with SME to identify distinguishable datasets
  - Post October decision – The expansion of datasets was discussed at the ESC on 03/14/08. CJIS agreed to revisit the possibility of additional datasets post October 2008.
  - Updated PIA
- ICE to determine best dataset to include in SD component
  - Need for actionable data
  - Possibility for incorporation into RISC

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Single Search Deployment

- Full search of IDENT Repository
  - Implementation of single search functionality – 10/25/08
    - FBI build planned for 09/07/08
    - US-VISIT build planned for 10/25/08
  - Participating iDSM agencies will migrate to services-based query of IDENT repository
    - Boston Police Department; Harris Co. Sheriff's Office; Dallas Co. Sheriff's Office; OPM; four NC counties; and possibly DOD
    - IAR (from LESC) and IDR (automated response from IDENT) will be returned via existing routing mechanisms
      - Piloting IDR – drafting evaluation plan
  - Additional Law Enforcement Users
    - Deployment strategy through ICE Secure Communities effort
  - Outstanding Issues
    - "Full" IDENT repository search
      - What IDENT data will be searched?
    - Ability for IDENT to handle increase in searches beyond existing iDSM customers beginning in November 2008 as part of Secure Communities roll-out

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Status of Rapid Search Request

- Action item from Rocky Gap Off-site
  - DHS interested in a positive identification search with a 15 minute response time similar to DOS transactions for individuals referred to secondary inspection
- CJIS request for a narrative description of the requirements for the DHS Rapid Response Capability to include estimated volumes - 05/27/08
- "DHS Rapid Response from Full CMF Search" white paper provided to CJIS - 06/27/08
  - Enhances the inspection process at secondary for those referred from primary by eliminating the need for rolled fingerprints to determine if enforcement action is necessary
  - Utilizes ten flat prints collected by CBP officers at primary inspection
  - Processes estimated average daily volumes of 9,390 transactions/day for all POE
  - Requires a response time of a 2 minute candidate list or a positive ID w/in 15 minutes
  - Requests rapid response capability as soon as possible
  - Suggests a pilot to determine the feasibility, technical issues and operational benefits
- CJIS request to DHS for clarification on the estimated volumes and for an explanation of DHS functionality to prevent duplicate submissions (primary and secondary) - 07/07/08
  - CJIS confirmed discussions from the off-site meeting during the IPT that all candidate responses must be based on rolled fingerprints until NGI – 07/10/08
- DHS clarification responses reference the TVS for estimated volumes and mention an ability to tag submissions to CJIS similar to the tags placed IDENT submissions - 07/29/08
- CJIS will be able to support a 10 minute positive identification search for Type 14 Identification Flat fingerprint submissions with the implementation of NGI

Homeland Security

19

Exhibit B

Document 14

[redacted]

From: [redacted]@ic.fbi.gov]
Sent: Monday, August 02, 2010 12:25 PM
To: [redacted]@leo.gov'
Subject: Fw: Language re mandatory

- Sent from blackberry -

From: [redacted]
To: [redacted]@dhs.gov' [redacted]@dhs.gov>
Cc: [redacted]@dhs.gov' [redacted]@dhs.gov>; [redacted]
Sent: Mon Aug 02 11:34:14 2010
Subject: Re: Language re mandatory

Great. Thank you. I'd like to be able to send up a near identical response.

[redacted]
FBI/CJIS
Global Operations
O
C [redacted]

From: [redacted]@dhs.gov>
To: [redacted]
Cc: [redacted]@dhs.gov>; [redacted]@dhs.gov>; [redacted]
Sent: Mon Aug 02 11:30:44 2010
Subject: RE: Language re mandatory

b6
b7C

We got an extension, so we are still working it. We plan on sharing with you before it goes up

[redacted]

Secure Communities
[redacted]@dhs.gov
Mobile
Office: [redacted]

From: [redacted] [mailto [redacted]@ic.fbi.gov]
Sent: Monday, August 02, 2010 11:28 AM
To: [redacted]@dhs.gov'
Cc: [redacted]dhs.gov' [redacted]@dhs.gov'; [redacted]
Subject: Re: Language re mandatory

[redacted]

Did you provide any response Friday or do you know if a response went out from DHS?

[redacted]
FBI/CJIS
Global Operations
O
C [redacted]

FBI-SC-FPL-182

From
To: @dhs.gov @dhs.gov>
Cc: dhs.gov' hs.gov>; @dhs.gov' @dhs.gov>;
S.
Sent: Fri Jul 30 16:49:13 2010
Subject: Re: Language re mandatory

b6
b7C

Trouble with statement is that we are technically compliant now.

-sorry so delayed. I have limited coverage where I am

FBI/CJIS
Global Operations
O
C

From: Canty, Rachel E @dhs.gov>
To
Cc: @dhs.gov>; @dhs.gov>
Sent: Fri Jul 30 16:19:18 2010
Subject: Language re mandatory

b6
b7C

How about this:

Is participation mandatory by then? A: By 2013, CJIS plans to be technically compliant with their mandate to make IDENT and IAFIS interoperable. As such ICE will be able to receive all fingerprints submitted to CJIS.

Rachel Canty
Chief of Staff
Secure Communities
Immigration & Customs Enforcement
@dhs.gov

Exhibit B

Document 15

[redacted]

From: [redacted]@leo.gov]
Sent: Wednesday, August 11, 2010 2:55 PM
To: [redacted]
Cc:
Subject: RE: ORI Verification Request for 15 MD Counties

[redacted]

I am not sure if the message was mis communicated or not but, by 2013, to fulfill the Congressional mandate for increased information sharing, the federal government plans to activate IDENT/IAFIS interoperability for all criminal fingerprint submissions nationwide. I don't think Secure Communities has their own mandate, but I have copied [redacted], the Regional POC for the SCPMO. [redacted] does SC have a separate mandatory federal bill? Please respond to all so we can clarify...

Thanks

[redacted]
FBI CJIS Division
Interoperability Initiatives Unit
[redacted]*leo.gov*

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b6
b7C

From: [redacted] [mailto [redacted]@leo.gov]
Sent: Wednesday, August 11, 2010 1:44 PM
To: [redacted]
Cc:
Subject: FW: ORI Verification Request for 15 MD Counties

[redacted]
Could you please follow up with [redacted] on this issue?
Thanks!

[redacted]
Management and Program Analyst
Interoperability Initiatives Unit
DOJ/FBI/CJIS
[redacted]@leo.gov

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From: [redacted] [mailto [redacted]@dpscs.state.md.us]
Sent: Wednesday, August 11, 2010 1:43 PM

FBI-SC-FPL-230

To: [redacted]
Subject: RE: ORI Verification Request for 15 MD Counties

Im trying to follow up on something that was shared with me from a local Ice person in Balt...He stated that in 2013 this Secure Communities will be a mandatory federal bill?? Do you know if that is accurate and if so do we have a legislative reference for that fact. It would help my push here to keep things moving...let me know if you have any info on this or know who might... thanks

---

From: [redacted] [mailto:[redacted]@leo.gov]
Sent: Wednesday, August 11, 2010 11:38 AM
To: [redacted]
Cc: [redacted] (CTR)'; [redacted]@leo.gov
Subject: ORI Verification Request for 15 MD Counties
Importance: High

Good morning,

The following counties within your state have been identified for Secure Communities deployment in the near future:

Allegany	Calvert	Caroline	Carroll	Cecil
Charles	Dorchester	Garrett	Harford	Howard
Somerset	Talbot	Washington	Wicomico	Worcester

In preparation for deployment, attached please find a proposed list of ORIs to be used through Interoperability for the Secure Communities Initiative.

Based on the selection criteria below, please review the ORIs, coordinating the review with the counties as appropriate. Please identify any additions or deletions on the sheet and return them to me by **09/13/10.**

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> **Selection criteria** - only agencies submitting Criminal Tenprint Submission Answer Required (**CAR**) transactions and National Fingerprint File (NFF) states submitting Criminal Print Ident (**CPI**) transactions will be considered from state, local and tribal law enforcement agencies. ORIs with B, D, F, H, I, K, M, N, O, P, Q, R, T, U, V and W in the 9th position will be excluded from consideration and have not been included in the preliminary listing.
>
> There may be ORIs on the list that are no longer used by the county and may need removed from the list. Also, there may be additional ORIs that are not on the list, such as terminal numbers which will need to be added. Additionally, at this time please mark for removal any ORIs that do not book exclusively through the county booking stations participating in this effort. For example, if there is an ORI that submits through a county selected for participation in the program that also submits through a county not yet participating, the ORI would be excluded until both counties are activated. If this is the case, please note the names of the additional counties on the spreadsheet.

Thank you in advance for your assistance in this matter. Please do not hesitate to contact me if there are any questions or concerns.

Please note that all ORI information is Law Enforcement Sensitive and should be disseminated appropriately.

Thanks!

[redacted]
Management and Program Analyst
Interoperability Initiatives Unit
DOJ/FBI/CJIS

FBI-SC-FPL-231

[redacted]@leo.gov

b6
b7C

Exhibit B

Document 16

[redacted]

From: [redacted]@leo.gov]
Sent: Tuesday, September 28, 2010 4:14 PM
To: [redacted]
Cc:
Subject: Comments to minutes for WG on 9/16
Attachments: SC_WG_Meeting_Minutes 91610_CJIS comb Comments_9_27_2010.docx

[redacted]

b6
b7C

Attached are the CJIS comments. We think it is important to capture the details around the ORI validation, especially since CJIS will only validate the ORI's with the SIB now. Please review and let me know if you have any questions.

Thanks

[redacted]

FBI CJIS Division
Interoperability Initiatives Unit
[redacted]*leo.gov*

U.S. Immigration and Customs Enforcement

SC Secure Communities

SC PMO Working Group Meeting Minutes with FBI CJIS and US-VISIT
September 17, 2010

Meeting Date	September 16, 2010
Meeting Time	2:00 PM
Meeting Location	PCN Bldg – 3rd Floor, Conference Room 3175
Meeting Name	SC PMO Working Group Meeting with FBI CJIS and US-VISIT
Facilitator	
Scribe	
Attendees	CJIS [redacted], US-VISIT [redacted], SC (Marc Rapp, [redacted])

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Purpose of Meeting:

- To discuss and strategize potential changes to Interoperability outreach and activation processes with FBI CJIS and US-VISIT.

Discussion:

- CJIS will work with SC on a case by case basis where an LEA-centric approach is requested by that state's SIB. Potential risks include increased workload and potential activation of new ORIs that will not go through SC even though the county is activated.
- [redacted]
- [redacted]
- [redacted]

b5

- CJIS was uncomfortable relying solely on the bi-annual ORI review with the states for Interoperability validation. CJIS will continue to [redacted]
- If LEA-centric activations are unavoidable in some states, [redacted]

is already at their capacity for managing POCs for ~~this purpose~~ validating ORI's, and do not want to manage two different parallel processes. CJIS has determined they will validate the ORI's with the SIB only.

- US-VISIT has agreed it will no longer need to validate ORIs if latent ORIs can be removed from the initial ORI validation lists [redacted] b5
- [redacted]
- Everyone is in concurrence with new email correspondence. Only minor changes will be made once CJIS forwards them to SC. The new email activation notification policy will take effect for activations occurring after October 1, 2010
- CJIS will conduct a legal review of materials in furtherance of desire to distribute electronic versions of Interoperability materials in the near future.
- CJIS is comfortable with state-wide briefs to agencies/associations replacing local briefs. This will assist with outreach in the case of statewide activation requests.
- SC is currently modifying the language around the Opt in / Opt out message. Once it is ready, SC will forward to our partners for review. b5
- [redacted]

Action Items:

- CJIS will provide SC with further information on the ORI creation process and how states notify CJIS of new ORI's for their agencies
- The outreach materials will soon be delivered electronically. SC will forward the materials to the partners for review prior to implemenation.
- CJIS will check internally to see if the outreach materials pertinent to CJIS can be shared electronically or posted to websites. Items should be marked LE sensitve as appropriate.
- SC will develop an outreach plan for the LEA's that are not activated by the SC deployment plan but will be activated with the implementation of NGI for CJIS and US-VISIT to review

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Formatted: Font: (Default) Arial, 10 pt, Bold
Formatted: Font: 10 pt
Formatted: Superscript
Formatted: Superscript
Formatted: Font: Times New Roman

Exhibit B

Document 17

[redacted] (CK) (FBI)

From: [redacted] (CJIS) (FBI)
Sent: Thursday, November 18, 2010 11:16 AM
To: [redacted] (CJIS) (FBI)
Subject: RE: Opt Out letter for Director Mueller

Categories: sc rpl, Blue Category

[redacted]

First, it's definitely hard to write a letter that may be going to the Director and second, trying to downsize all the information that really needs to be in this letter makes that even more difficult. There are some many potential impacts either way we go on this one and it would be very difficult to get all of this low-level information clearly understood. So I say all that to say...good job! My changes are just a few rewords.

Attached is a version that has the changes marked up and a version with all changes accepted. Due to [redacted] being out all next week I wanted him to begin reviewing in case he wanted to do anything about this today or tomorrow. If you are opposed to any of the changes, by all means we can discuss as I think we're both aware this won't be the final. ☺

Directors_Opting Out Interoper...

Directors_Opting Out Interoper...

Thanks!

[redacted] b6 b7C

From: [redacted] CJIS) (FBI)
Sent: Tuesday, November 16, 2010 11:46 AM
To: [redacted] CJIS) (FBI)
Subject: Opt Out letter for Director Mueller

[redacted]

Attached is a soft copy of the draft letter from AD Roberts to Director Mueller regarding Opting Out. I will also provide you a hard copy for review. I will save this in the Letter folder on the [redacted] as well. I thought you may want to review prior to sending to [redacted] but let me know. b7E

Thanks << File: Directors_Opting Out Interoperability letter_111510.wpd >>

[redacted]
Management and Program Analyst
FBI CJIS Division
Global Operations Section
Interoperability Initiatives Unit
[redacted] Work
Blackberry
[redacted]@leo.gov

FBI-SC-FPL-346

U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

November 30, 2010

Robert S. Mueller, III
Director
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Director Mueller:

The Federal Bureau of Investigation's CJIS Division continues to work with the Department of Homeland Security's United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program to increase participation in the biometric interoperability established between the FBI's Integrated Automated Fingerprint Identification System (IAFIS) and the DHS US-VISIT Automated Biometric Identification System (IDENT). Currently, state and local law enforcement agencies participate in IDENT/IAFIS interoperability when the ICE Secure Communities program deploys to a particular jurisdiction. As of November 16, 2010, there are 788 jurisdictions in 34 states participating in the Secure Communities Program. However, the ICE Secure Communities Program is receiving multiple requests from law enforcement agencies (Arlington, VA; Santa Clara and San Francisco, CA) to "opt-out" of participation in Secure Communities.

On May 24, 2010, representatives from the CJIS Division participated in a meeting with the Immigration Counsel with White House Judiciary Committee Majority Staff to discuss the process of activation and future plans for Secure Communities.

b5

242-HQ-C1497984-BIOMETRICS
1 - Mr. Pender, Module C-3
1 - Mr. Morris, Module C-3
1 - Mr. [redacted] Module D-2
1 - Mr. Rudge, Module C -3
1 - Ms. [redacted] Module D-2
DDR/lkw (7)

b6
b7C

FBI-SC-FPL-347

Director Mueller

[redacted]

b5

[redacted]

seeks your direction for responding appropriately. I am available at your convenience to discuss this matter with you or your staff. Please call me at (304) [redacted] if you have any questions.

b6
b7C

DRAFT

Sincerely yours,

Daniel D. Roberts
Assistant Director
Criminal Justice Information
Services Division

FBI-SC-FPL-348

U.S. Department of Justice

Federal Bureau of Investigation

Clarksburg, WV 26306

November 18, 2010

Robert S. Mueller, III
Director
FBI Headquarters
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001

Dear Director Mueller:

The Federal Bureau of Investigation's CJIS Division continues to work with the Department of Homeland Security's United States Visitor and Immigrant Status Indicator Technology (US-VISIT) Program to increase participation in the biometric interoperability established between the FBI's Integrated Automated Fingerprint Identification System (IAFIS) and the DHS US-VISIT Automated Biometric Identification System (IDENT). Currently, state and local law enforcement agencies participate in IDENT/IAFIS interoperability when the ICE Secure Communities program deploys to a particular jurisdiction. As of November 16, 2010, there are 788 jurisdictions in 34 states participating in the Secure Communities Program. However, the ICE Secure Communities Program is receiving multiple requests from law enforcement agencies (Arlington, VA; Santa Clara and San Francisco, CA) to "opt-out" of participation in Secure Communities.

On May 24, 2010, representatives from the CJIS Division participated in a meeting with the Immigration Counsel with White House Judiciary Committee Majority Staff to discuss the process of activation and future plans for Secure Communities. Specifically, CJIS was asked if we would activate a site that had not signed a written agreement with ICE and if a site could "opt-out" of participation. CJIS responded that the State Identification Bureaus provide us the decision of whether or not a site is activated.

[redacted] b5

[redacted]

242-HQ-C1497984-BIOMETRICS
1 - Mr. Pender, Module C-3
1 - Mr. Morris, Module C-3
1 - Mr. [redacted] Module D-2
DDR/lkw (7)
1 - Mr. Rudge, Module C -3
1 - Ms. [redacted] Module D-2

FBI-SC-FPL-349

b6
b7C

Director Mueller

[redacted] b5

[redacted] seeks your direction for responding appropriately. I am available at your convenience to discuss this matter with you or your staff. Please call me at (304) [redacted] if you have any questions. b5 b6 b7C

Sincerely yours,

Daniel D. Roberts
Assistant Director
Criminal Justice Information
Services Division

FBI-SC-FPL-350

Exhibit B

Document 18

[redacted] (CK) (FBI)

From: [redacted] (CJIS) (FBI)
Sent: Monday, December 13, 2010 7:31 AM
To: [redacted] CJIS) (FBI)
Subject: FW: DOJ Stance on Secure Communities "Opt Out"

[redacted]

From: MORRIS, STEPHEN L. (CJIS) (FBI)
Sent: Friday, December 10, 2010 1:28 PM
To: RUDGE, ROBERT C. (CJIS) (FBI)
Cc: [redacted] CJIS) (FBI)
Subject: RE: DOJ Stance on Secure Communities "Opt Out"

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b7C

Bob [redacted] Lets get together next week to update me on the status. I also need to know who, if anyone, at DOJ has been working this issue with you guys [redacted] See you then

---

From: RUDGE, ROBERT C. (CJIS) (FBI)
Sent: Friday, December 03, 2010 1:17 PM
To: MORRIS, STEPHEN L. (CJIS) (FBI)
Subject: FW: DOJ Stance on Secure Communities "Opt Out"

Steve...please c below...fyi...

From: [redacted] (CJIS) (FBI)
Sent: Wednesday, December 01, 2010 2:20 PM
To: RUDGE, ROBERT C. (CJIS) (FBI)
Cc: [redacted] (CJIS) (FBI)
Subject: DOJ Stance on Secure Communities "Opt Out"

SC Rudge,

As you are aware, a state/local agency's ability to "opt-out" of participating in the ICE Secure Communities program continues to be a hot topic discussion in the media and during discussions of deployment.

As brief background, in late July, CJIS was made aware of a letter written to the Attorney General and the Secretary of Homeland Security from the Honorable Zoe Lofgren, a California Congresswoman requesting "a clear explanation of how local law enforcement agencies may opt out of Secure Communities by having the fingerprints they collect and submit to the State Identification Bureaus checked against criminal, but not immigration databases." The Assistant Attorney General and the Department of Homeland Security Secretary both responded in writing that an agency not wanting to participate in the Secure Communities deployment plan must formally notify the Assistant Director for the ICE Secure Communities Program. These responses focused solely on the deployment plan. Secretary Napolitano has subsequently clarified that ICE's position is that there is no opt out for the long term implementation. Additionally, this topic was discussed during a meeting between the Immigration Counsel and the White House Judiciary Committee Majority Staff

where CJIS was questioned if a site could "opt-out". In line with the process established for activation, we responded that the State Identifications Bureaus provide us the decision of whether or not a site is activated.

In April, the Interoperability Initiatives Unit received notice of a Freedom of Information Act (FOIA) request regarding Secure Communities. On October 30th, CJIS was notified by the OGC that the plaintiffs in the Secure Communities FOIA filed a motion for a preliminary injunction with the Court, demanding expedited production of records relating to the "opt-out" issue. The media is reporting this hearing is scheduled for December 9th.

We have had several discussions internally regarding the CJIS position and the possible repercussions, however due to the level of attention this topic is getting it is to our advantage to elevate to for guidance.

Specifically it would be beneficial to know if the Attorney General concurs with the DHS Secretary that there is no opt out for long term implementation.

[redacted]
Unit Chief
Interoperability Initiatives Unit
Module D-2
[redacted]
[redacted]*@fbi.sgov.gov*
@leo.gov

b6
b7C

Exhibit B

Document 19

Re: DHS QFRS re DHS Oversight

[redacted]

Sent: Thursday, May 26, 2011 1:21 PM
To: [redacted]
Cc: [redacted](CJIS)(FBI); [redacted](CJIS)(FBI); [redacted]@leo.gov;

In reviewing this reference to non-criminal, it may be actually referencing non-criminals in this case. I would make the suggestion that ICE define what they mean here by non-criminal (I.e individuals identified outside of LE?).

[redacted]
Supervisory Management and Program Analyst
Interoperability Initiatives Unit
FBI CJIS Division
[redacted]leo.gov

----- Original Message -----
From: [redacted]
To: [redacted]
Cc: [redacted](CJIS)(FBI); [redacted]@leo.gov <[redacted]@leo.gov>; [redacted]
Sent: Thu May 26 09:54:37 2011
Subject: RE: DHS QFRS re DHS Oversight

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[redacted]

There are currently no state/local non-criminal justice searches to IDENT. Being that the questions are strictly about Secure Communities, the sentence should reflect only criminal.

As far as the criminal / non-criminal terminology, IIU has previously advised ICE SC PMO that the use of non-criminal is not wise, yet they have continued to use it. As Denise indicates in her e-mail, comment without revision is less than helpful and CJIS revision would not be consistent with the terminology ICE has chosen to use.

[redacted]
Supervisory Management and Program Analyst
FBI CJIS Division / Global Operations Section
Interoperability Initiatives Unit (IIU)
[redacted](office)
(mobile)

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From: [redacted]
Sent: Thursday, May 26, 2011 9:42 AM
To: [redacted]
Cc: [redacted](CJIS)(FBI); [redacted](CJIS)(FBI); [redacted]@leo.gov; [redacted]
Subject: DHS QFRS re DHS Oversight

[redacted]

b5

FBI-SC-FPL-413

[redacted]

8/2/2011

b7E

Assistant General Counsel
FBI/OGC/AIU
1000 Custer Hollow Rd. C-3
Clarksburg, W.Va. 26306
FAX

From: (CJIS)(FBI)
Sent: Wednesday, May 25, 2011 5:25 PM
To:
Cc: Rudge, Robert C. Jr;
Subject: RE: DHS QFRS re DHS Oversight

GOS/IIU has reviewed in coordination with AIU and other than a concern about DHS speaking for the USG, to include actions under the purview of the AG, there are no concerns. As per my conversation with DAD Morris, that concern should be resolved in that the AG and Director have expressed that this is an issue for DHS to decide.

Let me know if I've misunderstood.

thanks

V/R

FBI, CJIS, Global Initiatives Unit
ofc -
cel -
@ic.fbi.gov<mailto @ic.fbi.gov>

b6
b7C
b7E

From:
Sent: Wednesday, May 25, 2011 4:58 PM
To: (CJIS)(FBI)
Cc:
Subject: Fw: DHS QFRS re DHS Oversight

For review/comment.

Will you kindly provide to I couldn't find his e-mail address.

Thanks.

From: Morris, Stephen L.
To:
Sent: Wed May 25 16:51:40 2011
Subject: Re: DHS QFRS re DHS Oversight

Yes forward to AIU as usual

From:
To: Morris, Stephen L.
Sent: Wed May 25 15:30:23 2011
Subject: Fw: DHS QFRS re DHS Oversight

OK for me to send to GOS, and to review?

From: [redacted]
To: [redacted] (CJIS)(FBI); [redacted]
Sent: Wed May 25 15:11:10 2011
Subject: DHS QFRS re DHS Oversight

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The FBI has been asked to review Department of Homeland Security (DHS) responses to Congressional Questions for the Record (QFRs) re: DHS Oversight.

While most of those questions don't relate to FBI matters, the below QFR concerns CJIS (Secure Communities).

Could you please review the below response and see if the FBI needs to propose any edits?

As you know, when we are asked to review responses prepared by other agencies, our comments are not really desired, because those agencies have attempted thoughtful responses to these questions. If, however, editing is necessary to PROTECT THE FBI'S INTERESTS or to correct factual errors, we should MAKE THE EDITS and provide an explanation as to why they are necessary. If we were to JUST comment and offer no revisions, we would be less than helpful and would risk erroneous implementation of our suggestion.

We have been asked to provide any edits by 2pm May 27, 2011. If we submit edits after that time, they will likely be disregarded because the responses will already have been sent to the Hill for publication.

Question: I am concerned about press reports suggesting that States and localities cannot opt out of participation in the Secure Communities program. What exactly is the DHS position on this issue?

First, can a state or locality that agreed to cooperate with Secure Communities later opt out?

Second, what about a state that has never signed up for Secure Communities, such as my home state of Vermont? If Vermont does not wish to sign up for Secure Communities, will it lose access to national criminal databases?

Response: ICE acknowledges that some of its previous public statements on Secure Communities were unclear and may have led to confusion about whether a jurisdiction can "opt out" of the program. ICE apologizes for any misunderstandings that its earlier messages may have caused.

Secure Communities is mandatory in that, once Secure Communities is activated in a jurisdiction, the fingerprints that state and local jurisdiction submits to the FBI to be checked against the Department of Justice's biometric system 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. Further, jurisdictions cannot 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 local ICE 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 that are provided to the local ICE field office. This ability for jurisdictions to choose not to receive the results of the information sharing between the FBI and DHS has in the past been mischaracterized as a mechanism for a jurisdiction to "opt out" of the program as a whole. In fact, 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 results.

Under this administration, ICE has prioritized the removal of aliens who pose a danger to national security or public safety, with a particular focus on convicted criminals, as well as the removal of recent border violators, illegal reentrants, and fugitives because these priorities best protect public safety in the United States.

One important tool that ICE relies upon to advance these priorities is Secure Communities, which facilitates ICE's ability to identify and remove aliens who pose a threat to public safety. Between October 2008 and the end of FY 2010, the number of convicted criminals that ICE removed from the U.S. increased 71%, while the number of non-criminals removed dropped by 23%. These trends are due in significant part to the implementation and expansion of Secure Communities. In fact, Secure Communities has accounted for 29% of all ICE criminal alien removals this year to date.

Although Secure Communities will be activated nationwide in 2013, a jurisdiction that wishes to adjust its deployment schedule can contact ICE to discuss. ICE will work with them to address any concerns and determine appropriate next steps.
If Vermont, or any other state, does not sign the memorandum of agreement, it will not lose access to the national criminal databases.

ICE continues to work with its law enforcement partners across the country to responsibly and effectively implement Secure Communities. This cooperation has resulted in the removal of more than 72,000, convicted criminal aliens, including more than 26,000 convicted of the most serious offenses like murder, rape, and the sexual abuse of children.

b7E

[redacted]

8/2/2011

Please call if you would like to discuss. Thanks for your help!

[redacted]

b6
b7C
b7E

[redacted] 8/2/2011

Exhibit B

Document 20

[redacted]

From: [redacted]@leo.gov]
Sent: Thursday, May 12, 2011 8:29 AM
To: [redacted]@leo.gov'; [redacted]@leo.gov'
Subject: FW: Illinois issue, ICE Secure Communities Update
Attachments: Grever_Summary_5-11-11[1].docx; Hennessey_ltr_fin.pdf

FYI

From: [redacted] [mailto:[redacted]@ic.fbi.gov]
Sent: Thursday, May 12, 2011 7:25 AM
To: [redacted]@leo.gov'
Subject: Fw: Illinois issue, ICE Secure Communities Update

V/R

[redacted]
FBI/CJIS
Designated Federal Official
O[redacted]
C[redacted]

From: [redacted]
To: Morris, Stephen L.; Roberts, Daniel D.; Pender, Jerome M. [redacted]
Cc [redacted]
Sent: Wed May 11 22:55:35 2011
Subject: RE: Illinois issue, ICE Secure Communities Update

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I worked with [redacted] to pull together the attached. I tried to provide a quick background on Interoperability, then Secure Communities; the SC # of participants, quote by Napolitano that SC is mandatory, bulleted list of how process works and a reference to the letter from the Illinois governor. I do not include the bottom line question, but perhaps should. I also do not go into details of options like the local not receiving the DHS response, but again can.

It still needs "tweaked" tomorrow morning, but wanted to share with you all tonight the DRAFT to get any suggestions you may have.

Also attached is the letter from the California AG to SF Sheriff Hennessey.

V/R

[redacted]
FBI/CJIS
Designated Federal Officer
V[redacted]
C[redacted]
[redacted]@ic.fbi.gov
[redacted]@leo.gov

From: Grever, Louis E.
Sent: Wednesday, May 11, 2011 6:17 PM
To: Morris, Stephen L.; Roberts, Daniel D.; Pender, Jerome M.; [redacted]
Cc: [redacted]
Subject: Re: Illinois issue, ICE Secure Communities Update

FBI-SC-FPL-472

I appreciate the offer. I think I have a pretty good feel for it and have been tracking for a while. The fact that an entire state wants to opt out is certainly a new twist though.

Stop by anyway, the coffee will be hot.

Louis E. Grever
Exec. Asst. Dir.
FBI Science & Technology
[redacted]

From: Morris, Stephen L.
To: Grever, Louis E.; Roberts, Daniel D.; Pender, Jerome M.; [redacted]
Cc: [redacted]
Sent: Wed May 11 17:54:37 2011
Subject: Re: Illinois issue, ICE Secure Communities Update

Louis, I will be in the building tomorrow morning. I can stop by and brief you on the 1-minute version. Its not complicated just political due to the immigration issue...SLM

From: Grever, Louis E.
To: Roberts, Daniel D.; Morris, Stephen L.; Pender, Jerome M.; [redacted]
Cc: [redacted]
Sent: Wed May 11 17:53:34 2011
Subject: Re: Illinois issue, ICE Secure Communities Update

Thanks for heads up. I will alert the Director, but will need a background paper by early tomorrow to get him up to speed.

Can I get a one or two page background paper on Secure Communities and the controversy surrounding OPT OUT by 10am tomorrow?

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b7C

Louis

Louis E. Grever
Exec. Asst. Dir.
FBI Science & Technology
[redacted]

From: Roberts, Daniel D.
To: Grever, Louis E.; Morris, Stephen L.; Pender, Jerome M.; [redacted]
Cc: [redacted]
Sent: Wed May 11 15:24:18 2011
Subject: Illinois issue, ICE Secure Communities Update

All: I just completed a call with Illinois State Police Director Hiram Grau and his staff. In short, they are in the middle of this political immigration debate just like us. ISP was ordered by their Governor to shut off the flow of prints to DHS (IDENT), as they have "Opted Out" of the ICE Secure Communities program. The bottom line is that the Governor of Illinois will likely call AG Holder to have a discussion about this. I told ISP Director Grau that I would respond back to his letter and we will let the political process play out (I did **not** offer to cut the connection or change the flow of prints at this time and he did not press for same). Although DHS Secretary Nepalitano has said there can be no "Opting Out" of Secure Communities, we frankly need the AG to tell us that.
OGC is working to brief up Val Caproni on this issue. [redacted] is preparing executive talk points.

Louis: You may want to give the Director the heads-up on this, since the Governor will likely be calling Holder.

IDENT/IAFIS Interoperability

- Congress enacted legislation to ensure that the Department of Justice's (DOJ) Integrated Automated Fingerprint Identification System (IAFIS) and the Department of Homeland Security's (DHS) Automated Biometric Identification (IDENT) System are interoperable and the criminal and immigration information, contained therein, is accessible to and shared among other local, state, tribal, federal and international law enforcement agencies.
  - *The USA Patriot Act (Oct. 2001) required a "fully integrated means to share law enforcement and intelligence information."*
  - *The Border Security Act, effective January 2002, accelerated Patriot Act deadlines and required an "interoperable electronic data system."*
  - *DHS Appropriations Bill, FY2004 requires the DHS biometric infrastructure to be "fully interoperable" with the FBI IAFIS.*
  - *DOJ Appropriations Bill, FY2005 cites congressional concern with the security gap created by the lack of IDENT/IAFIS interoperability.*
- DOJ and DHS developed a fully integrated means to share law enforcement and immigration data via IDENT/IAFIS Interoperability.

Secure Communities

- Secure Communities is a comprehensive plan that utilizes the technology of IDENT/IAFIS Interoperability to optimize the way DHS identifies and removes criminal aliens.
- As of 5/11/2011, 1,286 state and local law enforcement jurisdictions in 42 states are participating.
- DHS Secretary Napolitano has stated that participation in Secure Communities is mandatory
- The following outlines the process for those state and local jurisdictions participating in Secure Communities:
  - Law enforcement agencies submit fingerprints to their State Identification Bureau (SIB) who forwards to the FBI's IAFIS per their regular process.
  - IAFIS searches the criminal master file and returns a response to the law enforcement agency via the SIB per the regular process.
  - IAFIS also generates a search against the DHS IDENT system.
  - IDENT returns to the FBI an IDENT response (IDR) with any match information.
  - FBI generates an Immigration Alien Query (IAQ) to the ICE Law Enforcement Support Center (LESC) for all matches from IDENT.
  - The LESC responds to the FBI with an Immigration Alien Response (IAR) indicating the subject's immigration status and also contacts the local ICE office to coordinate any further DHS action.
  - The FBI combines the IDR and IAR into one response and sends the response to the SIB who then provides the information to the law enforcement agency if they are technically capable of receiving the DHS responses.
- Illinois governor has just requested the active state law enforcement jurisdictions be turned off.

Attachment: California Attorney General letter to San Francisco Sheriff regarding Secure Communities.

STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

EDMUND G. BROWN JR.
ATTORNEY GENERAL

May 24, 2010

Sheriff Michael Hennessey
City and County of San Francisco
Room 456, City Hall
Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Via Facsimile (415) 554-7050

RE: Secure Communities

Dear Sheriff Hennessey:

I am writing in response to your letter regarding the Secure Communities program developed by U.S. Immigration and Customs Enforcement (ICE). The program is scheduled to be rolled out in San Francisco next month. You requested that the California Department of Justice (DOJ) block ICE from running checks on the fingerprints collected in San Francisco. The Secure Communities program is up and running in 169 counties in 20 states, including 17 counties in California. Because I think this program serves both public safety and the interest of justice, I am declining your request.

The DOJ Bureau of Criminal Identification and Investigative Services is the entity designated by California law to maintain a database of fingerprints used in the state for law enforcement purposes. When someone is arrested, the county forwards the fingerprints to the DOJ to identify the person, determine his or her criminal history and to discover any outstanding warrants. As in every other state, the DOJ forwards those fingerprints to the FBI to check for a history of criminal activity outside of the state. Under the Secure Communities program, the FBI forwards fingerprints collected at arrest to ICE. If ICE finds a match to prints in its database, ICE notifies the county. ICE's stated intent and practice is to place holds on those individuals who are in the country illegally and who have a history of serious crimes or who have been previously deported.

Prior to the Secure Communities program, the name, but not the fingerprint, provided by an individual on arrest was run through ICE's database of people known by ICE to be in the country illegally. Often, individuals with a criminal history were released before their immigration status

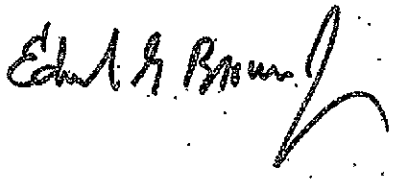
1300 I STREET • SUITE 1740 • SACRAMENTO, CALIFORNIA 95814 • PHONE (916) 324-5437 • FAX (916) 445-6749

was discovered. Using fingerprints is faster, race neutral and results in accurate information and identification.

In these matters statewide uniformity makes sense. This is not simply a local issue. Many of the people booked in local jails end up in state prison or go on to commit crimes in other counties or states.

I appreciate your concern. But I believe that working with the federal government in this matter advances important and legitimate law enforcement objectives.

Sincerely,



EDMUND G. BROWN JR.
Attorney General

Exhibit B

Document 21

FW: Staff call next Tuesday at 1

[redacted]

Sent: Monday, May 23, 2011 11:30 AM

To: [redacted]@leo.gov

Wanted to make sure IIU knows about this call.

[redacted]

Assistant General Counsel
FBI/OGC/AIU
1000 Custer Hollow Rd. C-3
Clarksburg, W.Va. 26306

[redacted] FAX

From: [redacted]
Sent: Friday, May 20, 2011 4:46 PM
To: [redacted]
Cc: [redacted]
Subject: RE: Staff call next Tuesday at 1

[redacted]

I don't think so. I believe the Compact is pretty explicit that, upon signing, you have to open up your files in accordance with the Compact agreement. I would say that the "related agency" doctrine would encompass ICE looking to arrest criminals, since the prints were submitted for a criminal inquiry. [redacted] your thoughts?

- [redacted]

From: [redacted]
Sent: Friday, May 20, 2011 4:27 PM
To: [redacted]
Subject: RE: Staff call next Tuesday at 1

[redacted]

On a related matter, [redacted] had asked in relation to the Illinois "opt-out" whether there is anything in the Compact that would govern restricting further use of the information. In other words, can States put limitations on the use of their information as a precondition to submitting it to NCIC?

THIS MAY BE A PRIVILEGED ATTORNEY-CLIENT COMMUNICATION OR CONTAIN ATTORNEY WORK PRODUCT. DO NOT DISSEMINATE FURTHER WITHOUT PRIOR FBI-OGC APPROVAL.

[redacted]

Deputy General Counsel
General Law Branch
Office of the General Counsel
Federal Bureau of Investigation

[redacted]

From: [redacted]
Sent: Friday, May 20, 2011 4:20 PM

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To:
Cc: ;
Subject: Staff call next Tuesday at 1

Hi

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Tuesday at 1 is bad for me; but thankfully there are plenty of knowledgeable people at CJIS. Since the staffer mentioned Secure Communities, I want to include AGC who is familiar with the SC project. I am also copying and some other CJIS folks into the loop. Folks are you available or know who can best advise in case any specifics come up? Thanks.

-

From
Sent: Friday, May 20, 2011 4:10 PM
To:
Subject: FW: CJIS Questions -next Wednesday?

Hope all is well. Could you help refer me to someone who could handle this? I forgot to send it earlier - my apologies.
A staffer would like to speak with CJIS regarding questions about the disparity between states' reporting - basic questions, I think. Do you think you could ask CJIS if they could get on the phone on Tuesday at 1`pm?
Sorry for the short notice!

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From:
Sent: Wednesday, May 18, 2011 3:11 PM
To: @hsgac.senate.gov'
Subject: Re: CJIS Questions -next Wednesday?

I'll check with CJIS for a 1 pm conference call.
Thanks,

From: HSGAC) @hsgac.senate.gov>
To:
Sent: Wed May 18 15:09:20 2011
Subject: RE: CJIS Questions -next Wednesday?
Yes, we can book the conference room except for 11-12. Could we do 1?

From: [mailto @ic.fbi.gov]
Sent: Wednesday, May 18, 2011 2:59 PM
To: (HSGAC)
Subject: Re: CJIS Questions -next Wednesday?

Next tues okay for you?

FBI-SC-FPL-600

From: (HSGAC) @hsgac.senate.gov>
To:
Sent: Wed May 18 14:58:01 2011
Subject: RE: CJIS Questions -next Wednesday?

Just following up when you are available? Thanks.

From: (HSGAC)
Sent: Thursday, May 12, 2011 4:18 PM
To:
Subject: RE: CJIS Questions -next Wednesday?

Is Wednesday - next week acceptable?

From: [mailto: @ic.fbi.gov]
Sent: Thursday, May 12, 2011 3:10 PM
To: (HSGAC)
Subject: RE: CJIS Questions

Okay, thanks We'll talk real soon.

From: (HSGAC) [mailto: @hsgac.senate.gov]
Sent: Thursday, May 12, 2011 2:57 PM
To:
Subject: RE: CJIS Questions

Thanks it is not a hurry. I will get back to with sometimes soon. I am just looking for a very brief introduction/tutorial on what criminal data is reported by the States, variation if any amongst the States, any problems with this variation and FBI/Justice's opinion on whether more data reporting would be useful?

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From: [mailto: @ic.fbi.gov]
Sent: Thursday, May 12, 2011 2:53 PM
To: (HSGAC)
Subject: RE: CJIS Questions

Hope all is well. If you could provide a summary which fleshes out a bit what you would like to discuss, I'll set up a call with CJIS personnel and make sure that it's staffed appropriately.
Monday is not good for me next week, but mid week maybe?

Thanks,

From: (HSGAC) [mailto: @hsgac.senate.gov]
Sent: Thursday, May 12, 2011 2:50 PM
To:
Subject: CJIS Questions

FBI-SC-FPL-601

Hi, I am with Senator Brown's office (R-Ma) and I am interested in some data on CJIS. I just had a meeting with DHS on "secure communities" and they mentioned a variation in the level of criminal information reported and that States

were not required to report information. I am definitely not an expert but would like to discuss the CJIS information with the FBI at your convenience. Thank you again for your consideration and assistance.

[redacted]

HSGAC Senator Brown (R-Ma)

[redacted]

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[redacted]

7/28/2011

Exhibit B

Document 22

Re: Hot One: Need APB Meeting Minutes

[redacted]@ic.fbi.gov]

Sent: Wednesday, March 09, 2011 7:32 AM
To: [redacted]@dhs.gov; [redacted]@dhs.gov; [redacted]@dhs.gov
Cc: [redacted]@dhs.gov; [redacted]@dhs.gov; [redacted]@leo.gov

[redacted]

Yes this is the recommendation that the APB endorsed for the action paper that was taken through the APB process for Clarification on Record Linking.

Thanks!
[redacted]
- Sent from blackberry -

From: [redacted]@dhs.gov>
To [redacted]@dhs.gov>; [redacted]@dhs.gov>
Cc: Greenberg, Randi L [redacted]@dhs.gov>; [redacted]@dhs.gov>; [redacted]@leo.gov [redacted]@leo.gov>
Sent: Wed Mar 09 07:27:59 2011
Subject: RE: Hot One: Need APB Meeting Minutes

Hi [redacted]

Is the language you are referring to below from the June 2009 APB meeting minutes that every transaction will be sent to IDENT regardless of the type of transaction? Just want to make sure we have the right part of the meeting minutes.

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APB ITEM #9 Chairman's Report on the Identification Services (IS) Subcommittee
Mr [redacted] Deputy Superintendent, Boston Police Department, and Chairman of the IS Subcommittee, provided the Chairman's Report. (See Appendix O or the PowerPoint presentation.)
During the Chairman's report and discussion, the APB passed the following motions:
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 response.**
Thanks,

[redacted]
Secure Communities
Department of Homeland Security
U.S. Immigration and Customs Enforcement
[redacted]dhs.gov • [redacted](w) • [redacted](c)

From: [redacted] [mailto: [redacted]@ic.fbi.gov]
Sent: Tuesday, March 08, 2011 5:01 PM
To: [redacted]
Cc: Greenberg, Randi L; [redacted]@leo.gov

Subject: RE: Hot One: Need APB Meeting Minutes

[redacted]

If that's the information that they are looking for, that APB endorsement is in the June 2009 meeting minutes. Word of caution though...this recommendation was made for Record Linking purposes, no mention of Secure Communities functionality.

[redacted]
Supervisory Management and Program Analyst
FBI CJIS Division / Global Operations Section
Interoperability Initiatives Unit (IIU)
[redacted] (office)
[redacted] (mobile)

From: [redacted]@dhs.gov]
Sent: Tuesday, March 08, 2011 4:55 PM
To: [redacted]
Cc: [redacted] Greenberg, Randi L; [redacted]@leo.gov
Subject: Re: Hot One: Need APB Meeting Minutes

[redacted]

What they are looking for is the APB vote that all criminal submissions beginning with NGI will go to Ident, no exception. This was the apb optout issue

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Sent using BlackBerry

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From: [redacted]@ic.fbi.gov>
To: [redacted]@dhs.gov>; [redacted]@dhs.gov>
Cc: [redacted]@dhs.gov>; Greenberg, Randi L [redacted]@dhs.gov>; [redacted]@dhs.gov>; [redacted]@ic.fbi.gov>; [redacted]@leo.gov>
Sent: Tue Mar 08 16:49:13 2011
Subject: RE: Hot One: Need APB Meeting Minutes

Sorry...one more point. The discussion regarding what types of transactions search against IDENT data really goes back to the discussions for iDSM and is probably covered in our Concept of Operations. So that decision predates the Secure Communities program. Though I wasn't part of the discussions, I imagine since Secure Communities was going to bring a search of the full IDENT repository the TOTs were examined and redefined.

I hope this helps.

[redacted]

From: [redacted]
Sent: Tuesday, March 08, 2011 4:43 PM
To: [redacted]
Cc: [redacted] Greenberg, Randi L; FBI-SC-FPL-604
Subject: RE: Hot One: Need APB Meeting Minutes

[redacted] 7/28/2011

[redacted]

The APB did not endorse or recommend the types of transactions that were sent to IDENT under the Secure Communities program, as they were not asked.

The decision as to which types of transactions were sent to IDENT under the Secure Communities initiative was determined through discussions between the Secure Communities Program Office and the CJIS Division. We initially started with the notion of all criminal transactions. There were some concerns with the CNA transactions to the point that it was determined we would (at that time) not send CNAs. (side-note: We are still not sending the CNAs though I believe it's a topic for discussion at the touchbase meetings.)

There was also a lot of discussion between ICE, US-Visit and CJIS around the CPI and CAR non-retains, though ultimately the decision was made to send them.

I'm confident between the two agencies these discussions are captured in meeting minutes, but they won't be captured in any minutes from the APB process.

I hope this helps, but if not please don't hesitate to reply or give me a call.

[redacted]
Supervisory Management and Program Analyst
FBI CJIS Division / Global Operations Section
Interoperability Initiatives Unit (IIU)
[redacted] (office)
(mobile)

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From: [redacted]@dhs.gov]
Sent: Tuesday, March 08, 2011 3:58 PM
To [redacted]
Cc: [redacted] Greenberg, Randi L; [redacted]
Subject: Re: Hot One: Need APB Meeting Minutes

[redacted]

We are looking for the minutes where they approved the foreign born or unknown place of birth functionality.

[redacted]
Management Program Analyst
U.S. Immigration & Customs Enforcement
Enforcement & Removal Operations
Secure Communities IT Modernization
500 12th Street S.W. (2177B)
Washington D.C. 20004
[redacted] Office
Mobile
[redacted]@dhs.gov Email

From: [redacted]@ic.fbi.gov> FBI-SC-FPL-605
To: [redacted]@dhs.gov>

Cc: [redacted]@dhs.gov>; [redacted]@dhs.gov>; Greenberg, Randi L [redacted]@dhs.gov>; [redacted]@dhs.gov>
Sent: Tue Mar 08 15:49:25 2011
Subject: RE: Hot One: Need APB Meeting Minutes

[redacted] is out of the office and I'm actually at APB Working Groups in Louisville right now. I need a clarification of specifically what you are looking for. The topic paper you attached is referencing the functionality of Foreign and Unknown Place of Birth notifications, as opposed to making the determination as to what types of transactions are sent to IDENT.

Are you looking for where it was determined or who determined what transactions are sent to IDENT for Secure Communities?

[redacted]
Supervisory Management and Program Analyst
FBI CJIS Division / Global Operations Section
Interoperability Initiatives Unit (IIU)
[redacted] (office)
(mobile)

From: [redacted]@dhs.gov]
Sent: Tuesday, March 08, 2011 2:51 PM
To: [redacted]@leo.gov
Cc: [redacted] Greenberg, Randi L; [redacted]
Subject: Hot One: Need APB Meeting Minutes

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Hi [redacted]

We are looking for the meeting minutes in which the APB approved Secure Communities to receive CAR transactions. In the APB Archive on LEO both the Orlando, FL and Litte Rock, Arkansas meeting minutes for issue #14 just states that Jim made a presentation on SC transactions through Interoperability, but does not state anyone approved SC transactions in the meeting minutes.

Is there any easy way to find the minutes that approved all CAR transactions to go through SC?

Under Subcommitted Meetings Archive for Idenfication services Subcommitted in Aug 2008 Issue #4 states the following below. Could you confirm if that is what we are looking for above? I think it is because the minutes below stated the motion carried, but not sure CAR transactions were approved anywhere else with the APB governance structure as we are looking for official documentation that approves SC to receive IAQ on CAR transactions.

Thanks for your help,

[redacted]

CLARKSBURG, WV
OCTOBER 22, 2008
STAFF PAPER

IS ISSUE #4
Foreign and Unknown Place of Birth (POB) Notifications to U.S. Immigration and Customs Enforcement (ICE) Law Enforcement Support Center (LESC)

PURPOSE
The U.S. Department of Homeland Security (DHS), ICE in conjunction with the Federal Bureau of Investigation (FBI) Criminal Justice Information Services (CJIS) Division is proposing to improve community safety by transforming the way the federal government cooperates with state and local law enforcement agencies to identify, detain, and remove criminal aliens.
The purpose of this paper is to present a proposal for the FBI/CJIS to provide notification to the DHS ICE LESC of Foreign or Unknown POB to identify and process criminal aliens amenable for removal.

POINT OF CONTACT:
James Buckley, (202) 514-3206

REQUEST OF THE SUBCOMMITTEE
The Subcommittee is requested to review the information provided in this paper and provide appropriate comments, suggestions, and recommendations to the APB.

BACKGROUND
The FBI /CJIS Division and the 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 additional functionality planned for October 2008 and full interoperability to be achieved through the Next Generation Identification (NGI).
The DHS ICE LESC began leveraging interoperability with the deployment of the iDSM in September 2006. When a subject is searched against the FBI/CJIS and DHS/US-VISIT datasets and a fingerprint match is found in the iDSM, the FBI/CJIS generates an Immigration Alien Query (IAQ) message to the DHS ICE LESC to request immigration status. If the subject is of interest to DHS, ICE LESC immediately responds by issuing a detainer on the subject to prevent being released on bond.
As an additional enhancement, the FBI/CJIS implemented changes in April 2008 to provide ICE LESC an electronic notification of identifications to IAFIS records when subjects are also enrolled in the Immigration Violator File (IVF). Enrollment in the IVF signifies subjects that are a high enforcement priority for ICE — criminal aliens who have been deported for drug trafficking, firearms trafficking, or serious violent crimes and on foreign-born individuals who have violated some section of the Immigration and Nationality Act. This adds an additional and effective avenue for ICE to identify criminal aliens who are amenable for removal.
One of the key components of the ICE comprehensive plan to Identify and Remove Criminal Aliens is the distribution of integration technology that will link local law enforcement agencies to both DHS and FBI biometric databases. As part of the current routine booking process, local officers run a subject's fingerprints through FBI's IAFIS to access that individuals' criminal history. As part of the interoperability effort, those fingerprints will also automatically be searched against DHS databases to access immigration history information. This functionality will be deployed by the FBI/CJIS Division and DHS/US-VISIT in October 2008 with the Single Search Capability/IDENT Data Response pilot.

DISCUSSION AND ANALYSIS
Although ICE has made considerable progress over the past several years in identifying and removing criminal aliens through its Criminal Alien Program, a fundamental change in ICE's current approach is required to reach the goal of identifying and removing all removable aliens convicted of a crime. The implementation of a comprehensive plan to Identify and Remove Criminal Aliens (Secure Communities) will leverage emerging technology that shares law enforcement data between federal, state, and local law enforcement agencies. By using this technology, ICE is now able to expand coverage nationwide in

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7/28/2011

a more effective manner. Interoperability between the FBI's IAFIS and DHS's IDENT will help ICE and local law enforcement officers positively identify criminal aliens.
ICE has been directed by Congress to improve and modernize efforts to identify aliens convicted of a crime, sentenced to imprisonment, and who may be deportable, and remove them from the U.S. once they are judged deportable and to work to establish a process in conjunction with DOJ that will make every reasonable effort to remove, upon their release from custody, all criminal aliens judged deportable. ICE has the Secure Communities Initiative that applies risk-based methodologies (e.g., an IAQ) to focus resources on assisting all local communities in identifying high-risk criminal aliens amenable for removal while in custody.
In support of the Secure Communities Initiative, the FBI/CJIS Division was requested by ICE to provide an IAQ to the LESC for all IAFIS ten-print Criminal submissions based on a Foreign or Unknown POB and all IAFIS tenprint criminal submissions that match against an existing IAFIS record with a Foreign or Unknown POB.
If the Subcommittee recommends that an IAQ be sent to the DHS ICE LESC for both types of submissions, the following details the processes for each enhancement.
An authorized contributor sends a Criminal tenprint submission to IAFIS for a search of the Criminal Master File (CMF) and the subject's POB is Foreign or Unknown, FBI/CJIS will initiate an IAQ to the LESC on behalf of the requestor, regardless of a positive or negative hit in IDENT. If the search of IAFIS results in a positive match, the FBI number returned from the search will be included in the IAQ. If the searches result in "No match", the outcome will be a biographic-based IAQ and may indicate a first encounter of a potential illegal alien. The LESC will then perform a more extensive search of immigration records to determine the alien status of the subject. Once the alien status has been determined, the LESC will transmit an Immigration Alien Response (IAR) directly to the requestor and may also alert the local ICE office to take additional action.
An authorized contributor sends a Criminal tenprint submission for a search of the CMF with the POB field marked as U.S. If the submission biometrically matches a subject in the CMF with the POB Foreign or Unknown, FBI/CJIS will initiate an IAQ to the LESC. The LESC will then perform a more extensive search of immigration records to determine the alien status of the subject. Once the alien status has been determined, the LESC will transmit an IAR directly to the requestor and may also alert the local ICE office to take additional action.
If the Subcommittee approves the concept as outlined in this paper the enhancements will be implemented through the NGI contract.

RECOMMENDATION

The Subcommittee is requested to review the information in this paper and make recommendations on the following:
1. Approve the concept as outlined in this paper.
2. Approve with recommended changes.

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Fall 2008 Working Group Actions:

North Central Working Group Action:

Motion: Mr. [redacted] made a motion to accept the proposal for FBI/CJIS to provide notification to the DHS/ICE/LESC of Foreign or Unknown POB to identify and process criminal aliens amenable for removal as outlined with the enhancements to be implemented through the NGI contracts.
Second: Mr. [redacted]
Action: Motion carried

Northeastern Working Group Action:

Motion: Mr [redacted] made a motion to approve the concept as outlined in the paper:
In support of the Secure Communities Initiative, the FBI/CJIS Division was requested by ICE to provide an IAQ to the LESC for all IAFIS ten-print Criminal submissions based on a Foreign or Unknown POB and all IAFIS tenprint criminal submissions that match against an existing IAFIS record with a Foreign or Unknown POB.
The following details the processes for each enhancement.

An authorized contributor sends a Criminal tenprint submission to IAFIS for a search of the Criminal Master File (CMF) and the subject's POB is Foreign or Unknown, FBI/CJIS will initiate an IAQ to the LESC on behalf of the requestor, regardless of a positive or negative hit in IDENT. If the search of IAFIS results in a positive match, the FBI number returned from the search will be included in the IAQ. If the searches result in "No match", the outcome will be a biographic-based IAQ and may indicate a first encounter of a potential illegal alien. The LESC will then perform a more extensive search of immigration records to determine the alien status of the subject. Once the alien status has been determined, the LESC will transmit an Immigration Alien Response (IAR) directly to the requestor and may also alert the local ICE office to take additional action.
An authorized contributor sends a Criminal tenprint submission for a search of the CMF with the POB field marked as U.S. If the submission biometrically matches a subject in the CMF with the POB Foreign or Unknown, FBI/CJIS will initiate an IAQ to the LESC. The LESC will then perform a more extensive search of immigration records to determine the alien status of the subject. Once the alien status has been determined, the LESC will transmit an IAR directly to the requestor and may also alert the local ICE office to take additional action.
Second: Lieutenant [redacted]
Action: Motion carried.
Federal Working Group Action:
Motion: Mr [redacted] moved that the FBI/CJIS Division provide an IAQ to the LESC for all IAFIS tenprint criminal submissions based on a foreign or unknown POB and all IAFIS tenprint criminal submissions that match against an existing IAFIS record with a foreign or unknown POB. The motion further moved to approve the concept as outlined in the paper.
Second: Mr [redacted]
Action: Motion carried.
Southern Working Group Action:
Motion: Mr [redacted] made a motion to approve the concept as outlined, an authorized contributor sends a Criminal tenprint submission to IAFIS for a search of the Criminal Master File (CMF) and the subject's POB is Foreign or Unknown, FBI/CJIS will initiate an IAQ to the LESC on behalf of the requestor, regardless of a positive or negative hit in IDENT. If the search of IAFIS results in a positive match, the FBI number returned from the search will be included in the IAQ. If the searches result in "No match", the outcome will be a biographic-based IAQ and may indicate a first encounter of a potential illegal alien. The LESC will then perform a more extensive search of immigration records to determine the alien status of the subject. Once the alien status has been determined, the LESC will transmit an Immigration Alien Response (IAR) directly to the requestor and may also alert the local ICE office to take additional action.
Second: Ms. [redacted]
Action: Motion carried
Western Working Group Action:
Motion: Mr. [redacted] moved to approve the concept as outlined in the topic paper. Concept: To provide an Immigration Alien Query to the LESC for all IAFIS ten-print criminal submissions based on a Foreign or Unknown POB and all IAFIS tenprint criminal submissions that match against and existing Integration Automated Fingerprint Identification System record with a Foreign or Unknown POB.
Second: Ms. [redacted]
Action: Motion Carried.

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b7C
b7E

[redacted]
Secure Communities
Department of Homeland Security
U.S. Immigration and Customs Enforcement
[redacted]@dhs.gov [redacted](w) [redacted](c)

FBI-SC-FPL-609