



**Privacy Impact Assessment Update
for the**

Enforcement Integrated Database (EID)

Law Enforcement Notification System (LENS)

DHS/ICE/PIA-015(g)

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Abstract

The Enforcement Integrated Database (EID) is a Department of Homeland Security (DHS) shared common database repository for several DHS law enforcement and homeland security applications. EID captures and maintains information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and criminal law enforcement investigations and operations conducted by U.S. Immigration and Customs Enforcement (ICE), U.S. Citizenship and Immigration Services (USCIS), and U.S. Customs and Border Protection (CBP), all components within DHS. The Privacy Impact Assessment (PIA) for EID was published in January 2010.¹ Since its publication, the PIA has been updated several times to reflect the expansion of information entered into EID, the types of information shared with external parties, and an enhanced electronic sharing capability. This EID PIA Update addresses plans to further expand domestic law enforcement information sharing by notifying domestic law enforcement agencies when aliens convicted of certain violent or serious crimes, including felonies and misdemeanors, are released from ICE custody.²

Introduction

ICE owns and operates EID. EID supports the law enforcement activities of certain DHS Components. EID is the common database repository for all records created, updated, and accessed by a number of software applications, including the ENFORCE Apprehension Booking Module, ENFORCE Alien Detention Module, ENFORCE Alien Removal Module (EARM), and EID Arrest Guide for Law Enforcement (EAGLE). Collectively these applications are referred to as the “ENFORCE/EAGLE applications.” EID and the ENFORCE/EAGLE applications capture and maintain information related to the investigation, arrest, booking, detention, and removal of persons encountered during immigration and law enforcement investigations and operations conducted by ICE and CBP. EID provides users with the capability to access a person-centric view of the data using the ENFORCE/EAGLE applications. Users can also print reports, notices, and other documents containing EID data, which are used for criminal and administrative law enforcement purposes and typically are retained in criminal investigative files, detention files, and Alien Files (A-Files). ICE sends immigration-related forms generated by the system to courts and other agencies to support the advancement and adjudication of DHS and Department

¹ See Enforcement Integrated Database (EID) PIA, January 14, 2010, available at http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_ice_eid.pdf.

² ICE’s detention and release determinations are made either as a matter of discretion or as a matter of controlling law. Individuals released from ICE custody at ICE’s discretion are released either due to eligibility for bond (pursuant to Section 236 of the *Immigration and Nationality Act*) or for reasons such as deteriorated health or advanced age. In cases where the decision to release an alien from ICE custody is not based on discretion, an alien may be released pursuant to a court order or due to the U.S. Supreme Court’s decision in *Zadvydas v. Davis*, 533



of Justice immigration cases before U.S. immigration courts. ICE may also provide forms and data to the criminal courts of the United States.

The EID PIA published in January 2010 describes EID and the ENFORCE applications and reflects the system at that time. With the July 28, 2010 and November 7, 2011 PIA Updates,³ ICE increased the amount of information entered into EID to include comprehensive criminal history information for all aliens arrested for administrative violations of the Immigration and Nationality Act (INA). In these and subsequent updates, ICE also expanded the scope of external sharing of EID information with foreign governments pursuant to information sharing agreements and arrangements. With this PIA Update, ICE will further expand EID information sharing with domestic law enforcement agencies when aliens convicted of certain violent or serious crimes, including felonies and misdemeanors, are released from ICE custody.

Reason for the PIA Update

With the publication of this PIA, ICE will now share select EID information with other domestic law enforcement agencies when an alien who has been convicted of a violent or serious crime is released from ICE custody in the United States or U.S. territories. Violent or serious crimes include certain felonies and misdemeanors – such as homicide, rape, sexual assault, aggravated assault, robbery, and kidnapping – that ICE has determined are most relevant to the safety of the community (*see* Appendix for a list of crimes that trigger automated notifications). For example, ICE will notify a state law enforcement agency when an alien convicted of armed robbery is released from ICE custody in that state. If the criminal alien indicates that he plans to reside in a different state than the one he is released in, ICE will automatically notify the law enforcement agency of the state of intended residence as well. This is in order to assist the relevant law enforcement agencies in making decisions concerning the allocation of public safety resources in their jurisdictions. These notifications are intended as situational awareness messages only, which do not direct or require law enforcement agencies to take action, but rather help inform agencies that have an interest in an alien in connection with a pending investigation or prosecution, for parole or other forms of supervision, or for public or officer safety purposes.

To generate these notifications, ICE will use a new messaging capability within the EARM application within EID, named the Law Enforcement Notification System (LENS). LENS pulls existing data from EID to create the notification message and transmits it to other law enforcement agencies via the National Law Enforcement Notification System (NLETS), a network used by federal, state, and local law enforcement agencies for the exchange of law

U.S. 678 (2001).

³ Enforcement Integrated Database (EID) PIA Update, July 28, 2010 and November 7, 2011, available at <http://www.dhs.gov/privacy-documents-ice>.



enforcement, criminal justice, and public safety-related information.⁴ Law enforcement agencies may include state identification bureaus, fusion centers, state and local law enforcement agencies, or some combination thereof, as determined by the state receiving the notification.

ICE will share only biographic and release-related data in the notification message to the law enforcement agencies in the states from which the alien is being released and in which the alien intends to reside. This notification message will be triggered by the release of an alien with violent or serious criminal convictions, including felonies and misdemeanors.

Privacy Impact Analysis

The System and the Information Collected and Stored within the System

There are no changes to the information collected and stored within EID. EID continues to maintain information that is collected and used by the ENFORCE/EAGLE applications to support DHS law enforcement efforts in the areas of immigration, customs and trade enforcement, national security, and other criminal laws enforced by DHS. Information about each individual in EID is documented based on event-driven encounters, such as booking, arrest, detention, and removal. Therefore, an individual may be connected to multiple records in the system, each pertaining to a different event or encounter.

Existing EID data is used to generate law enforcement notifications. Book-out, criminal conviction, and biographic information triggers the creation of a notification message, but ICE only shares biographic and release-related (i.e., whether the alien is under an ICE order of supervision, order of recognizance) data with the other domestic law enforcement agencies receiving the notification. ICE shares the following biographic data elements with these agencies: alien name, alias, date of birth, country of citizenship, Alien Registration Number (A-Number), other identifying law enforcement numbers (e.g., FBI number, fingerprint identification number, state identification number), and the address of intended residence upon release (i.e., “release-to” address). Other domestic law enforcement agencies do not send any information back to EID after receipt of ICE’s notification.

As a notification generation and messaging system, LENS pulls data from within EID to compose the notification messages but does not store any of this data. Only transactional information (e.g., date and time of notification to other law enforcement agency) is stored within LENS. LENS does not return any information to the other modules within the EID database.

Uses of the System and the Information

ICE will use LENS to transmit messages to other domestic law enforcement agencies, notifying them that an alien who meets pre-determined criteria is being released from ICE custody. When an alien is booked out of EID under a certain book-out code (e.g., order of

⁴ For more information on NLETS, see <http://www.nlets.org/>.



supervision, order of recognizance) in conjunction with a qualifying conviction, LENS will automatically create an electronic notification message. LENS then sends the message via NLETS to the law enforcement agency for the state from which the alien is being released as well as the state in which the alien intends to reside (if they are not the same).

Privacy Risk and Mitigation

Privacy Risk: There is a risk to data integrity since ICE officers rely on data from a secondary source (i.e., the FBI's National Crime Information Center (NCIC)) to determine whether an alien has a qualifying conviction that triggers a LENS notification. Using a secondary source may introduce potentially inaccurate or untimely data.

Mitigation: This risk is mitigated by the standard ICE practice of validating the existence of a conviction with the primary source (e.g., the court or other appropriate source, such as a parole officer) while the alien is in ICE custody.

Retention

This update does not change the retention period for information maintained in EID.

Internal Sharing and Disclosure

Internal sharing and disclosure of EID information does not change with this update.

External Sharing and Disclosure

As described above, ICE will expand its sharing with other domestic law enforcement agencies by notifying agencies when aliens convicted of violent or serious crimes, including felonies and misdemeanors, are released from ICE custody in the United States or U.S. territories. Notifications will include select biographic and release-related data about the alien and will be sent to the law enforcement agency for the state from which the alien is being released as well as the state in which the alien intends to reside (if they are not the same). These notifications are intended as situational awareness messages to help inform law enforcement agencies that have an interest in an alien in connection with a pending investigation or prosecution, for parole or other forms of supervision, or for public/officer safety purposes.

Privacy Risk and Mitigation

Privacy Risk: There is a risk that other law enforcement agencies may interpret LENS notifications as direction to take law enforcement action against aliens.

Mitigation: This risk is mitigated because notification messages include: (1) language informing law enforcement agencies that messages are for situational awareness only, which does not direct or require agencies to take action, and (2) ICE contact information if agencies seek more information. In addition, ICE engages in outreach and education efforts with law enforcement agencies on the purpose of notifications. Lastly, law enforcement agencies are



expected to conduct the standard law enforcement practice of confirming the existence of an arrest or conviction with the source (e.g., the court or other appropriate source, such as a parole officer) prior to making any adverse determinations.

Privacy Risk: There is a risk that law enforcement agencies may further disseminate ICE's data to those without a need to know.

Mitigation: This risk is only partially mitigated by DHS. Every LENS notification indicates that the data contained within is For Official Use Only and should be disseminated only on a need to know basis. However, ICE is limited in its ability to monitor and control use of the data by law enforcement agencies once a notification is made. Ensuring that the notification is shared with the appropriate entities is a responsibility of the law enforcement agency initially receiving the data, and any further dissemination may be governed by the state's laws and policies on information sharing.

Notice

ICE provides general notice about the system and the information it maintains in the DHS/ICE/PIA-015 EID PIA⁵ (January 14, 2010), this update, and the DHS/ICE-011 Immigration and Enforcement Operational Records (ENFORCE) System of Records Notice (SORN).⁶ DHS updated the ENFORCE SORN in April 2015 to account for the sharing of information between ICE and other domestic law enforcement agencies for the purpose of notifying the agency when aliens convicted of a violent or serious crime are released.

Individual Access, Redress, and Correction

This PIA Update does not change the ability of an individual to access, redress, and correct his or her information.

Technical Access and Security

There is no change to the technical access and security of EID. The other EID applications from which LENS pulls data will continue to use the access and security mechanisms detailed in the original EID PIA and its updates. Since the notification messages are automatically created, LENS will be accessed only by a select group of ICE Headquarters users for administrative and auditing purposes.

Technology

LENS changes the technology ICE uses to share EID information with other domestic law enforcement agencies. LENS notifications are generated when an ICE officer selects certain criteria, including release book-out code, qualifying conviction, and a "release to" address, in

⁵ DHS/ICE/PIA-015 Enforcement Integrated Database, available at www.dhs.gov/privacy.

⁶ DHS/ICE-011 Immigration and Enforcement Operational Records System (ENFORCE), 80 FR 24269 (Apr. 30, 2015).



preparation to release the alien from ICE custody. If all necessary criteria are met, EID creates a LENS notification that details biographic and release-related information. EID then transmits the message via an existing connection with NLETS to the appropriate law enforcement agency based on the state and zip code of the “release to” address inputted by the ICE officer. Law enforcement agencies access LENS messages through their connections to NLETS. NLETS retains LENS messages and transactional information in an archive database. Law enforcement agencies also retain messages locally as determined by the law enforcement agency receiving the notification.

Responsible Official

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Approval Signature

Original signed PIA on file with the DHS Privacy Office.

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Appendix

Notifications will be sent based on a conviction of one or more of the following violent or serious crimes, including felonies and misdemeanors.

a) Homicide

- Homicide – Willful Kill – Family – Gun (NCIC Code 0901)
- Homicide – Willful Kill – Family – Weapon (other than gun) (NCIC Code 0902)
- Homicide – Willful Kill – Nonfamily – Gun (NCIC Code 0903)
- Homicide – Willful Kill – Nonfamily – Weapon (other than gun) (NCIC Code 0904)
- Homicide – Willful Kill – Public Official – Gun (NCIC Code 0905)
- Homicide – Willful Kill – Public Official – Weapon (NCIC Code 0906)
- Homicide – Willful Kill – Police Officer – Gun (NCIC Code 0907)
- Homicide – Willful Kill – Police Officer – Weapon (NCIC Code 0908)
- Homicide – Negligent Manslaughter – Vehicle (NCIC Code 0909)
- Homicide – Negligent Manslaughter – Weapon (NCIC Code 0910)
- Homicide – Willful Kill – Gun (NCIC Code 0911)
- Homicide – Willful Kill – Weapon (NCIC Code 0912)
- Homicide – John/Jane Doe – No Warrant (NCIC Code 0913)
- Homicide (NCIC Code 0999)
- Voluntary Manslaughter (NCIC Code 09AA)

b) Kidnapping

- Kidnapping – Minor – For Ransom (NCIC Code 1001)
- Kidnapping – Adult – For Ransom (NCIC Code 1002)
- Kidnapping – Minor – To Sexually Assault (NCIC Code 1003)
- Kidnapping – Adult – To Sexually Assault (NCIC Code 1004)
- Kidnapping – Minor (NCIC Code 1005)
- Kidnapping – Adult (NCIC Code 1006)
- Kidnapping – Hostage – For Escape (NCIC Code 1007)
- Abduction – No Ransom or Assault (NCIC Code 1008)
- Kidnapping – Hijacking Aircraft (NCIC Code 1009)
- Kidnapping – Minor – Parental (NCIC Code 1010)
- Kidnapping – Minor – Nonparental (NCIC Code 1011)
- False Imprisonment – Minor – Nonparental (NCIC Code 1020)
- False Imprisonment – Minor – Parental (NCIC Code 1021)
- Kidnapping (NCIC Code 1099)
- False Imprisonment (NCIC Code 10AA)



c) Rape/Sexual Assault

- Rape – Gun (NCIC Code 1101)
- Rape – With Weapon (NCIC Code 1102)
- Rape – Strong Arm (NCIC Code 1103)
- Sexual Assault – Sodomy – Boy – Gun (NCIC Code 1104)
- Sexual Assault – Sodomy – Man – Gun (NCIC Code 1105)
- Sexual Assault – Sodomy – Girl – Gun (NCIC Code 1106)
- Sexual Assault – Sodomy – Woman – Gun (NCIC Code 1107)
- Sexual Assault – Sodomy – Boy – Weapon (NCIC Code 1108)
- Sexual Assault – Sodomy – Man – Weapon (NCIC Code 1109)
- Sexual Assault – Sodomy – Girl – Weapon (NCIC Code 1110)
- Sexual Assault – Sodomy – Woman – Weapon (NCIC Code 1111)
- Sexual Assault – Sodomy – Boy – Strong Arm (NCIC Code 1112)
- Sexual Assault – Sodomy – Man – Strong Arm (NCIC Code 1113)
- Sexual Assault – Sodomy – Girl – Strong Arm (NCIC Code 1114)
- Sexual Assault – Sodomy – Woman – Strong Arm (NCIC Code 1115)
- Statutory Rape – No Force (NCIC Code 1116)
- Sexual Assault – Carnal Abuse (NCIC Code 1117)
- Rape – Elderly (NCIC Code 1118)
- Rape – Disabled (NCIC Code 1119)
- Sexual Assault – Elderly (NCIC Code 1120)
- Sexual Assault – Disabled (NCIC Code 1121)
- Rape – Drug Induced (NCIC Code 1122)
- Sexual Assault – Drug Induced (NCIC Code 1123)
- Rape – Remarks (NCIC Code 1198)
- Sexual Assault (NCIC Code 1199)

d) Robbery

- Robbery – Business – Gun (NCIC Code 1201)
- Robbery – Business – Weapon (NCIC Code 1202)
- Robbery – Business – Strong Arm (NCIC Code 1203)
- Robbery – Street – Gun (NCIC Code 1204)
- Robbery – Street – Weapon (NCIC Code 1205)
- Robbery – Street – Strong Arm (NCIC Code 1206)
- Robbery – Residence – Gun (NCIC Code 1207)
- Robbery – Residence – Weapon (NCIC Code 1208)
- Robbery – Residence – Strong Arm (NCIC Code 1209)
- Forcible Purse Snatching (NCIC Code 1210)
- Robbery – Banking-Type Institution (NCIC Code 1211)
- Robbery – Carjacking – Armed (NCIC Code 1212)
- Robbery (NCIC Code 1299)



e) Assault

- Aggravated Assault – Family – Gun (NCIC Code 1301)
- Aggravated Assault – Family – Weapon (NCIC Code 1302)
- Aggravated Assault – Family – Strong Arm (NCIC Code 1303)
- Aggravated Assault – Non-Family – Gun (NCIC Code 1304)
- Aggravated Assault – Non-Family – Weapon (NCIC Code 1305)
- Aggravated Assault – Non-Family – Strong Arm (NCIC Code 1306)
- Aggravated Assault – Public Official – Gun (NCIC Code 1307)
- Aggravated Assault – Public Official – Weapon (NCIC Code 1308)
- Aggravated Assault – Public Official – Strong Arm (NCIC Code 1309)
- Aggravated Assault – Police Officer – Gun (NCIC Code 1310)
- Aggravated Assault – Police Officer – Weapon (NCIC Code 1311)
- Aggravated Assault – Police Officer – Strong Arm (NCIC Code 1312)