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U.S. DEPARTMENT OF HOMELAND SECURITY
DATA PRIVACY AND INTEGRITY ADVISORY COMMITTEE
DETROIT FIELD OFFICE

Thursday, September 10, 2009
Held at the Marriott Detroit at the Renaissance
Center, 400 Renaissance Center, Detroit, Michigan

1 APPEARANCES

2 MARTHA LANDESBURG Executive Director

3 RICHARD PURCELL Chairman

4 MARY ELLEN CALLAHAN Chief Privacy Officer

5 Members:

6 Ramon Barquin

7 Thomas Boyd

8 Reynard Francois

9 James W. Harper

10 Kirk Herath

11 David A Hoffman

12 Lance Hoffman

13 Joanne McNabb

14 Charles C. Palmer

15 Neville Pattinson

16 Lawrence Ponemon

17 John Sabo

18 Lisa Sotto

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1 MS. LANDESBURG: Good morning, everyone.
2 Welcome to the third quarterly meeting of the
3 Department of Homeland Security's Data Privacy and
4 Integrity Advisory Committee. I'm Martha
5 Landesberg, Executive Director and designated
6 Federal Official for the meeting. I welcome you
7 all. I'm glad to see you here, and I'll now turn
8 the meeting over to Chairman Richard Purcell.

9 CHAIRMAN PURCELL: Thank you, Martha,
10 and welcome everybody this morning. This is, we're
11 glad to have you all here in Detroit with us, and I
12 wanted to welcome particularly Mary Ellen Callahan.
13 We'll hear from her in a moment, but thanks to all
14 of the members who are in attendance this morning.
15 It's very important to me and to the Privacy Office
16 in particular to hear from every single one of us
17 at every opportunity, so thank you again for
18 showing your interest and your engagement.

19 There's a few housekeeping rules that
20 we'll go over as we normally do. Please silence
21 your cell phones, PDA's, and other electronic
22 devices. The new PIA from the Customs and Border
23 Patrol has an entry that, if you haven't read it
24 yet, they are seized and inspected if they go off
25 during a public advisory meeting. So read that

1 PIA, please.

2 We also have reserved time today from
3 11:30 to noon for public comment. Anyone -- there
4 is no one here from the public. Anyone who would
5 like to make comments during the public comment
6 period, please sign up at the table that's outside
7 this room.

8 To start off as is our habit, we'd like
9 to hear first from the Chief Privacy Officer of the
10 Department of Homeland Security, Mary Ellen
11 Callahan. Mary Ellen, welcome.

12 MS. CALLAHAN: Thank you very much,
13 Richard. And I really do have to push down the
14 button. So I want to thank you all for coming to
15 Detroit and for participating in what is my second
16 meeting here as the Chief Privacy Officer of the
17 Department of Homeland Security, and it dawned on
18 me that yesterday, not only was it my sixth month
19 anniversary of being the Chief Privacy Officer, it
20 was also of course 9-9-09, and most importantly it
21 was Joanne McNabb's birthday. So I want to thank
22 Joanne for joining us on her birthday. And today
23 is Tom Boyd's. Excellent news.

24 CHAIRMAN PURCELL: Happy birthday to
25 both of you.

1 MS. CALLAHAN: Happy birthday, yes,
2 absolutely, to both of you. And thank you guys for
3 spending it with us here in Detroit with learning
4 more about the Department of Homeland Security.
5 We're going to learn more about some of the
6 component outreach opportunities here in the
7 Detroit area and in the Midwest, and I'm looking
8 forward to hearing about that. Last time in my
9 first DPIAC session I wished Reed Freeman a happy
10 birthday, and then due to a change in his
11 employment situation in going to a new law firm,
12 Reed had to resign at the beginning of this month,
13 and I am very sorry to hear that, and I wanted to
14 publicly thank Reed for all of his hard work on the
15 committee and on behalf of the Department of
16 Homeland Security for keeping an eye on these for some
17 years, and we will miss Reed's participation. And
18 Tom and Joanne, I hope that the same doesn't befall
19 you next time. Otherwise we're going to have to
20 schedule DPIAC meetings not around people's
21 birthdays.

22 With that said I'd like to give you a
23 little bit of a preview of the agenda and then give
24 a summary of activities of the Privacy Office since
25 we last met in May. There has been a great deal

1 going on. Richard will give you more detail on
2 today's presentation, but as I said we're going to
3 be focusing today's public session on specifically
4 the Department's engagement with the public and
5 reports from several components who have public
6 interfaces and outreach, specifically with the
7 ethnic and religious communities here in Metro
8 Detroit. This of course will be useful for us in
9 terms of the request that I made to the committee
10 to help us work on redress opportunities and
11 redress circumstances related to public
12 interactions here with the Department of course at
13 large, not just in Detroit, but using this as a
14 microcosm. I think that that will be a useful
15 forum for us to consider these issues, and I want
16 to thank my colleagues from the Department who have
17 come to join us and to discuss their efforts with
18 working with the local community, and I want to
19 thank them for being here in advance, and I look
20 forward to hearing their testimony.

21 As I said, there has been a great deal
22 of activity going on in the Department, but also
23 specifically in the Privacy Office since May. And
24 so I can rest my finger just for a minute. The
25 first thing I'd like to mention to you is something

1 that I think is of great interest to the Committee
2 in light of the February letter to the Secretary
3 and to then acting Chief Privacy Officer Kropf
4 which is on June 5th, the Deputy Secretary of the
5 Department issued a memorandum to all of the
6 components requiring them to have component privacy
7 officers within 120 days. That timing will reach
8 in early October, and we already have -- we of
9 course have had several Privacy Officers in the
10 components, many of whom you have had testify
11 before you. Today we're joined, of course, by my
12 colleague Donald Hawkins from USCIS. The memorandum
13 from the Deputy Secretary require, first all the
14 public facing components to have a Component
15 Privacy Officer. Previously, all of the
16 components did not have public facing Privacy
17 Officers. And then in addition they've instructed
18 several of the directorates or offices who frequently
19 deal with personally identifiable information to
20 make sure that they too have Privacy Officers, and
21 so we have gone beyond just the seven public facing
22 components, but instead the Deputy Secretary
23 directed FEMA, the National Protection and Programs
24 Directorate, the Office of Intelligence and
25 Analysis, Science and Technology Directorate, TSA,

1 USCIS, Customs and Border Protection, ICE, and US
2 Secret Service to make sure that they have Privacy
3 Officers within this 120 days, and I think that
4 this is a great demonstration of the
5 Administration's commitment to privacy, but also it
6 is a demonstration of -- my goal as Chief Privacy
7 Officer, which is to systematize and
8 institutionalize privacy throughout the Department,
9 regardless of where you are, regardless of what
10 component you're in, to understand the rules and
11 policies and regulations around handling personally
12 identifiable information is paramount to this
13 Department, and an important goal to achieve, and
14 hopefully will be a legacy for this office to
15 instill with the Component Privacy Officers.

16 To answer a question that you may be
17 having, the Component Privacy Officers will not
18 report to me directly. Instead, they'll report to
19 their Component Heads. I think that that's the
20 appropriate policy choice and policy decision
21 because it is in that way that they get involved in
22 the components' activities, the components'
23 processes, and that they understand what's going on
24 in the daily life within each component. With that
25 said, we of course have longstanding and close

1 relationships with the current Component Privacy
2 Officers. Hopefully Donald will concur with that.
3 And we have biweekly meetings, biweekly telephone
4 conferences with the Component Officers and have a
5 very collegial relationship on issues of interest.
6 They also have quarterly retreats with the
7 Compliance Staff, so I think that this working
8 towards best practices and really utilizing the
9 strengths across the Department will continue.

10 Speaking of the Compliance Team, I
11 wanted to give a little bit of background on our
12 meat and potatoes of the Privacy Office, which is
13 of course the Compliance Team. Since the last
14 meeting, the Compliance Team has reviewed 190 new
15 Privacy Threshold Analyses of DHS systems and
16 records, and furthermore, we have published 25
17 Privacy Impact Assessments and eight System of
18 Records Notices. Actually, since those numbers
19 were announced, we had an onslaught of 18 System of
20 Records Notices, so we really are working on making
21 sure that privacy has been disclosed and has been
22 part of the process in terms of making sure that
23 those processes are consistent. I am going to talk
24 a little bit more about some of the privacy
25 processes, or as Richard says, processes, a little

1 bit later in my presentation.

2 A couple of PIA's that I wanted to
3 highlight for you briefly, first, we've completed
4 two PIA's with regard to the Department's use of
5 social media. I'll talk a little bit about that
6 later on, but here on the compliance side, the
7 PIA's of course raise interesting privacy issues
8 for the use of social media. The two that have
9 been published so far, one relates to the
10 Department's Quadrennial Homeland Security Review,
11 and an outreach website where we're soliciting
12 public information and participation with regard to
13 how to next focus the Homeland Security for the
14 next four years, and it's an interactive
15 conversation, and therefore we did a PIA with that
16 specifically.

17 We then, coupled with the Office of
18 Public Affairs and the Office of International
19 Affairs, as well as of course the Office of General
20 Counsel, to make sure that the processes associated
21 with the use of a civic network for Southwest
22 border issues appropriately complied with all
23 privacy practices, procedures, and OMB regulations.
24 The Department has engaged a third party private
25 website called NING.com, N-I-N-G. NING is a social

1 networking site that actually allows you to create
2 micro-social networks so that you can participate
3 in one group but are not publicly disclosed to
4 other groups. The Department decided that NING,
5 given its privacy protections, given its security,
6 and given its opportunity to create these unique
7 communities was the best vehicle to try to create
8 this civic network for Southwest Border dialogue.
9 We, therefore, worked with the Office of Public
10 Affairs, the Office of International Affairs, and
11 others to make sure that our use of this third
12 party site complied with all the laws, complied
13 with all the regulations; that the terms of use
14 were consistent with government requirements. That
15 of course was more of a General Counsel
16 opportunity. We also had asked the Secretary to
17 concur that we could use NING.com, which of course
18 has first party cookies. NING.com has removed
19 third party cookies from our portion of the site,
20 but they still have first party cookies associated
21 with registration, and therefore the Secretary
22 approved this minimal, more discrete use of first
23 party cookies on NING.com. So we're very pleased
24 with working together with our different offices at
25 headquarters.

1 As a result of these two specific PIA's,
2 we're going to work on having systematic or theme-
3 based PIA's associated with the use of social media
4 in terms of how they're interacting, and also
5 having processes and procedures to detail what the
6 Department can do on these sites, what the use of
7 information can be, and what the retention can be.
8 So we look forward to further detailed
9 information on that.

10 Switching fingers. The next PIA I
11 wanted to highlight a little bit is one that I've
12 discussed with several of you individually, and as
13 you know, and in light of your February letter,
14 that has been considerable interest in Congress and
15 in the public about the Department's processes for
16 conducting electronic searches -- searches of
17 electronic devices at the border. As many of you
18 are aware, the case law on the issue of expectation
19 of privacy at the border is quite well founded,
20 which says that there is no expectation of privacy
21 at the border. Nonetheless, in my discretion, we
22 decided to do a Privacy Impact Assessment, and it's
23 a combined Privacy Impact Assessment of both
24 Customs and Border Protection as well as ICE in
25 terms of what the new directives indicate and what

1 the different components can do with information.

2 First, let me step back and remind you
3 that on August 27th the Secretary unveiled revised
4 directives, both for Customs and for ICE, related
5 to the processes and procedures that officers can
6 engage in associated with the search of electronic
7 devices at the Border. The processes and
8 procedures and the new directives themselves give
9 much more specific requirements and much more
10 specific terms both in terms of the scope of the
11 search, the authorities associated therein, as well
12 as the very short retention of the information in
13 terms of the original collection as well as the
14 requirement to purge within seven calendar days any
15 information that's judged to not be of law
16 enforcement value. All of these policies and
17 procedures in my opinion further buttress the
18 transparency that goes on at the border and one of
19 my initiatives to increase while at the same time
20 they allow the enforcement officials to have their
21 ability to conduct their responsibilities in a
22 forthright manner. I'm happy to field any
23 questions about that later on.

24 A few other kind of housekeeping things
25 related to compliance: the Chief Information

1 Security Officer with whom we work closely has
2 updated the sensitive system policy directive known
3 to our friends as 4300A, and what they've done is
4 they have, it is required now that a PIA be
5 completed before certification and accreditation
6 can be issued, and that's associated with basically
7 can a system operate? Can a process use --
8 previously it was required only to have a PTA, a
9 Privacy Threshold Assessment, and we think that
10 this is a great step forward, and we thank the CISO
11 for increasing privacy protections by requiring the
12 PIA before the C & A, the certification and
13 accreditation can be issued.

14 We're also working on other processes
15 and procedures, both with OMB and within the
16 Department to work on better and more consistent
17 notices of PIA's and SORNS, and that of course is
18 part of my Transparency Initiatives as well.

19 Two things I wanted to highlight on the
20 compliance side that are not necessarily processes.
21 First I wanted to let you, the Committee, know that
22 the Office has been very actively and extensively
23 involved in Department discussions relating to
24 Comprehensive Immigration Reform. For example,
25 we've been involved in working groups associated

1 with whether or not E-verify could become mandatory
2 and the requirements therein, and for example,
3 considering an option that I understand may be in
4 Senator Schumer's Bill for the use of biometric
5 information. The Privacy Office's participation in
6 these department-based groups is the first time
7 that we've been involved in a policy discussion of
8 this breadth, and second I think has really
9 assisted the policy people to understand the
10 threshold privacy issues associated with the
11 Immigration Reform, and I wanted to thank the
12 participants in my office who have been
13 participating in these panels in addition to their
14 other voluminous responsibilities.

15 Another example where we have been
16 working in department-wide conversations is work
17 that we've been doing related to the possibility of
18 what we're calling a possible pandemic episode that
19 could take place in the fall, and I'm sure we've
20 all heard stories and we have been concerned about
21 the possibility of some influenza, H1N1
22 specifically, and how it will affect our ability in
23 the workplace and in our lives in general. Within
24 the Department the Privacy Office has been integral
25 in working to establish an ability to have insight

1 into whether or not there are clustering effects
2 associated with what we are calling Influenza-Like
3 Illness, ILI. So it could be seasonal flu. It
4 could be H1N1. It could be other things that look
5 like they're H1N1 to see if for example we have to
6 engage our continuity of operations; if for example
7 we need to go to a different location if
8 there is an outbreak in a cluster, for example, in
9 the Privacy Office. So the Privacy Office has
10 worked with the Office of Health Affairs, with the
11 Office of General Counsel, and with the HR people,
12 CHCO, Human Capital -- I forget what the C stands
13 for. Anyways, CHCO to work on having a process
14 where we would not collect personally identifiable
15 information associated with those who are out on
16 leave or those who are suspected to have Influenza-
17 Like Illness, but instead to do a calculation and
18 to do an aggregate number that each supervisor
19 reports up to the National Operations Center so
20 that we can have insight into if the Privacy Office
21 is having a problem, if CBP here in Detroit is
22 having a problem and so on without having to
23 collect the personally identifiable information,
24 and so I think that that was a very useful tool
25 that we worked together with several offices to

1 achieve.

2 Switching now to policy, speaking of the
3 H1N1 policy. I mentioned earlier about social
4 media. Our policy and privacy technology teams
5 have been really active in the issues of social
6 media particularly in light of the President's
7 directive to be more proactively engaged with the
8 public. As many of you know, we had an outstanding
9 workshop entitled Government 2.0, Privacy and Best
10 Practices which was held in June, the 22nd and 23rd
11 of June. The workshop was literally standing room
12 only. It brought together the leading academic
13 private sector and public sector experts to discuss
14 the privacy issues posed by the government's use of
15 social media. I alluded to some of those within
16 the Ourborder.NING.com example. With that said, I
17 thought the dialogue was superb and I received many
18 compliments from other agencies and people within
19 the Department that it was the first comprehensive
20 look at the government's use of social media and
21 how to best utilize it while being privacy protective.
22 In addition, there were attendees from several
23 different countries who also, as their governments,
24 are struggling with these same type of issues. The
25 report with regard to that workshop will be

1 released later on in the fall, and I encourage you
2 when it is released to review it as we consider the
3 privacy and security implications of the government
4 use of social media.

5 In addition to the social media public
6 workshop and the PIA's that I've mentioned
7 previously, my office has been working on
8 addressing the privacy issues raised by the social
9 media on other fronts. As I mentioned we're trying
10 to have a systematic approach to social media. One
11 of the ways we're doing that is my staff has been
12 very active in the Federal CIO Council Privacy
13 Committee, which has a Web 2.0 Subcommittee. The
14 Web 2.0 Subcommittee led by Jonathan Cantor of the
15 Social Security Administration has been very active
16 in providing guidance on the new cookie policy and
17 providing disclosures that should be within each
18 contract that the government engages in with social
19 media providers, and generally working on ways how
20 the government can promote social media while still
21 protecting privacy.

22 In addition we've been working with a
23 wide range of people within the Department on an
24 internal social media working group to address
25 these issues, and as I said, I hope to have a

1 result from that in terms of how to work on these
2 policies and procedures, and one example of that is
3 we work collaboratively on the launch of the
4 Department's YouTube channel, which will be
5 encompassed in part of these buckets of PIA's as I
6 mentioned previously.

7 We've also been very active in Federal
8 interagency privacy activities as this office
9 frequently has. I currently serve as the co-chair
10 of the Federal CIO Council Privacy Committee, which
11 is a Privacy Committee that is comprised of over 55
12 department and agencies, and the Chief Privacy
13 Officer or Senior Agency Official for Privacy, and
14 has been an outstanding forum for discussing these
15 interagency issues; not just the social media
16 issues. I think that's a good example, but also in
17 general on how to address privacy issues within the
18 department. I want to commend Toby Leven who is
19 our Senior Advisor and a Co-Chair of the Best
20 Practices Subcommittee, as well Deputy Chief
21 Privacy Officer John Kropf, who chairs the Privacy
22 Committee's International Subcommittee, and it
23 really has been a great collaborative tool to work
24 together.

25 There are also of course training

1 elements in our department that our office does
2 extensively, and we have continued to work on our
3 obligations under the 9/11 Commission Act. On June
4 4th and the 18th we conducted training for I&A
5 representatives in the Fusion Centers, and on the
6 23rd we also worked on further developing training
7 related to the Interagency Threat Assessment
8 Coordination Group, also part of the 9/11 Commission
9 responsibilities.

10 As part of our responsibilities with the
11 Fusion Centers with the 9/11 Commission, and quite
12 frankly with the Department in general, we have
13 been working closely with the Office of Civil
14 Rights and Civil Liberties, and I'd like to thank
15 them for their continuing collaboration.

16 Particularly I'd like to thank George Selim who is
17 with us here in Detroit today to talk about some of
18 the issues that CRCL works on. You know that we
19 are statutorily required to work with them, but at
20 the same time we have, it's more than that. We
21 have a great collaborative relationship, and we
22 enjoy working with them on whole host of issues. I
23 want to thank them for that.

24 One other area where we have inter-
25 agency cooperation is on the Privacy Guidelines

1 Committee. The Privacy Guidelines Committee of
2 which I am again a co-chair is the committee that
3 works on having privacy guidelines associated with
4 the Information Sharing Environment, and in that
5 opportunity the Department of Homeland Security
6 released its Information Sharing Privacy Policy.
7 It's both a privacy and civil liberties policy. It
8 should be in your packets. It is publicly
9 available on DHS.gov/privacy. It was released in
10 June of this year detailing the privacy policies
11 associated with any interagency sharing. It has,
12 although it predates the work of the Committee here
13 with regard to information sharing and access
14 agreements; it has many of the same themes and
15 echoes therein. The Department was the first
16 department to publicly release its privacy policy
17 associated with information sharing and has been a
18 great tool to work with the other agencies in the
19 information sharing environment to have a
20 comprehensive privacy policy therein. The Privacy
21 Guidelines Committee is now a subgroup of the
22 Information Sharing and Access Interagency Policy
23 Committee, and we look forward to further
24 collaboration with my colleagues on that issue.

25 Briefly on the Freedom of Information

1 Act, I know you've heard previously from my
2 colleagues in February on the Freedom of
3 Information Act opportunities and activities within
4 the Privacy Office. I have several actually
5 outstanding announcements with regard Freedom of
6 Information Act work. As you are well aware, on
7 January 21st the President issued two directives,
8 or two memoranda, excuse me: one related to
9 transparency of government writ large, and I think
10 hopefully the first part of my presentation has
11 captured many of those elements in the President's
12 memorandum. The second memorandum relates
13 specifically to the Freedom of Information Act, and
14 to have a presumption of disclosure.

15 The Department has implemented the
16 Freedom of Information Act and the presumption of
17 disclosure in several ways. First and foremost,
18 actually not first but last, on August 26th the
19 Chief FOIA Officer, myself, issued a Department-
20 wide proactive disclosure memo. This too is
21 available on [DHS.gov/privacy](https://www.dhs.gov/privacy) or slash FOIA. You
22 can get to it the same way. This memo outlines the
23 Department's policy of proactively disclosing as
24 much information as possible in advance of the
25 receipt of individual requests, and doing so in a

1 proactive way is known as the reading room
2 disclosure so to speak, but the idea is to have as
3 much information available for the public to see
4 directly. Included in the directives, this has
5 been distributed to all components and we are
6 implementing it post haste. It is to have
7 management directives, contracts, correspondence
8 with members of Congress to the extent it is in
9 our control, and other elements that are frequently
10 requested documents.

11 In addition, I have instructed all
12 senior government officials in the Department to
13 make their schedules proactively available, and so
14 if you meet with me, that will be publicly known.
15 My schedule along with the Secretary's, Deputy
16 Secretary's, and Assistant Secretaries' will be
17 available for public consumption. So I'm very
18 pleased with this proactive disclosure memo. We
19 are the first Department to have a policy like this
20 even though we've spoken with several and they are
21 working towards it, and I want to commend our FOIA
22 Office for working together to make sure that that
23 happens.

24 Other elements we've done with FOIA, on
25 May 28th we issued an overview memo to

1 prime the pump, so to speak, for the new
2 administration officials coming in. It was
3 essentially a FOIA overview that describes what it
4 is, what the requirements and exemptions are, and
5 reiterates the presumption of openness, and we will
6 be issuing that reminder on FOIA and about the
7 responsibilities of government officials as
8 stewards for the public, we'll be reissuing that
9 every year.

10 In addition, we're soon
11 reaching the end of the fiscal year with regard to
12 FOIA, and I believe that we will have some very
13 good numbers related to the backlog and our
14 approaches to address those remaining issues. So I
15 think we've made some great strides during this
16 calendar and fiscal year with regard to Freedom of
17 Information Act.

18 I'd like to talk a little bit about some
19 of the other parts of my
20 office. Privacy incidents and inquiries. As you
21 know, in the last committee meeting I reported that
22 our privacy incidents and inquiry team was
23 developing an electronic complaints tracking system
24 for the Department. I'm pleased to let you know
25 the system will be up and running by the end of

1 this month, and we have published the PIA on SORN
2 for this system earlier. This new technology will
3 allow us to respond more efficiently and
4 effectively to privacy complaints and comments as
5 well as from redress from the public, so I wanted
6 to mention that to you in terms of how we are
7 working to increase the ability to provide
8 effective redress in many different ways.

9 In July of this year we hosted the
10 inaugural meeting of the DHS Privacy Incident
11 Management Core Management Group, which is really a
12 mouthful. The Core Management Group is required by
13 OMB pursuant to 07-16, and it is required to include
14 senior leadership and component privacy and IT
15 security professionals. The meeting I think went
16 very well, and the purpose was to provide an
17 overview of the Privacy Incident Handling Program
18 at large, as well as to report on data breaches and
19 ways to mitigate handling privacy incidents from
20 January 2007 through June of 2009. It was also an
21 opportunity to share best practices as individual
22 components discussed education, training and
23 mitigation/mediation elements associated with
24 privacy incidents and data breaches. So I want to
25 thank them for that.

1 On the international side they continue
2 to be quite active. The International Privacy
3 Policy Team, IPP, has been very active in several
4 of the groups I mentioned in terms of the CIO
5 Council Privacy Committee as well as a White House
6 Commercial Data Privacy Coordinating Committee, and
7 in addition this summer I took two trips to Europe
8 to advance the US position on redress and to
9 educate my counterparts at selected Ministries of
10 Justice and Interior on the US system of privacy.
11 Furthermore in November the office itself will host
12 members from the French Data Protection Authority,
13 the CNIL, and Europol as well as maybe other
14 members of ministries throughout Europe for a week
15 of meetings and to promote greater understanding of
16 DHS's privacy policies, as well as to increase the
17 awareness of the US layered approach to privacy
18 protection. So we're excited about many of the
19 international opportunities and continue to
20 encourage that dialogue, not just with Europe, with
21 our friends to the North as we've seen, as well as
22 we've had some great outreach with Mexico, which I
23 believe I reported on at my last committee meeting.

24 Sounds like we're pretty busy, and as a
25 result of that we actually have fortunately

1 a candidate to serve as a Senior Privacy Analyst,
2 and we also have extended an offer to a Technology
3 Privacy Analyst, and I hope that both of those will
4 be able to join us quickly in the fall, and
5 we are interviewing candidates for six positions as
6 FOIA specialists. That FOIA specialist
7 circumstance, I wanted to highlight one of the
8 Secretary's initiatives is to reduce our reliance
9 on contractors, and we were able to look at our
10 budgeting circumstance on the FOIA side, and say
11 that we were paying for two and a half employees,
12 if they became Feds, we would pay for six, and so
13 we were able to quickly turn that contract around,
14 and so that will be much more efficient for the
15 Department and much more effective for the FOIA
16 portion of the House, and we want to -- we're
17 excited about that opportunity.

18 We also have just now currently pending
19 a vacancy to recruit and a second Associate
20 Director for Privacy Compliance to assist with
21 policy and program development, and so I'm very
22 excited about the increase in size, or the
23 increasing responsibility quite frankly of this
24 office. With that said, I want to thank my office
25 for a fabulous six months, and really for working

1 together on this very exciting ride, because it
2 really has been a great opportunity, and I'm
3 pleased to see that the Department is taking
4 privacy so seriously, both by the participation of
5 my colleagues from different components today in
6 terms of the outreach that we do together with the
7 Office of Civil Rights and Civil Liberties as well
8 of course as the Deputy Secretary's memo
9 instructing everyone to have privacy officers, all
10 of those elements are consistent with my plan to
11 make sure that the Department is a leader on
12 privacy protection for the government and perhaps
13 worldwide. I'm happy to take any questions. Thank
14 you.

15 CHAIRMAN PURCELL: Mary Ellen, thank
16 you. It's always helpful for the Committee to get
17 a good view of what's going on comprehensively in
18 the Privacy Office, and that was a very good
19 comprehensive review for us. Despite that, we have
20 questions I'm sure. We have three cards up right
21 at the moment.

22 I have one question that I wanted to
23 start off with, which I don't know if it will take
24 very long or not. There is an overall concern
25 nationally about the potential for an epidemic.

1 Obviously if such an epidemic were to become part
2 of our daily reality, there's not just business
3 continuity issues that you've spoken to in terms of
4 your procedures internally, but there will also be
5 disruptions, economic disruptions, movement of
6 people, et cetera, and we suspect that the DHS
7 components will be firmly engaged in many of these,
8 not the least Customs and Border Patrol protecting
9 our borders from the introduction of infected
10 individuals, et cetera. Are you working with or
11 could you explain how you're working with other
12 Federal Agencies to help coordinate the response to
13 a potential widespread epidemic?

14 MS. CALLAHAN: I can speak to that
15 generally. I don't want to steal the Secretary's
16 thunder. As you know, she is indeed the lead
17 Federal Official associated with orchestrating this
18 approach to any influenza-like illness and related
19 pandemic. The Department has been very engaged in
20 these situations, in fact working very closely with
21 of course the Department of Health and Human
22 Services. Furthermore, within the Department of
23 Homeland Security, the components have been part of
24 this Workforce Protection Committee that I
25 mentioned where Privacy was working together to

1 find a way to keep track of how the clusters are
2 affecting people without affecting privacy, without
3 having an inadvertent collection or inappropriate
4 collection of personally identifiable information.
5 I commend the components because they have been
6 very proactive in terms of focusing on how to
7 protect their staff, how to keep track of their
8 staff, how we'd make sure that they're okay.
9 Perhaps even my colleagues from the components
10 later on can discuss the specific steps that each
11 of the component's doing, but they're taking it
12 quite seriously. At the border we of course saw
13 personal protective equipment for any of the
14 customs agents who want to utilize that, and that
15 is consistent throughout the different components
16 that have public facing interfaces. So the
17 Secretary has been working on this extensively in
18 terms of making sure not just as you say the
19 continuity of operations for the government, but
20 making sure that the economic impact is minimized
21 and that we've thought about how to make sure that
22 our essential functions, crossing of the borders,
23 of our flights that we take, of anything related to
24 that has been accounted for, and so I'm quite
25 confident in terms of the widespread approach led

1 by Secretary Napolitano, and she has given several
2 speeches on this recently, but I think that it is a
3 comprehensive approach working closely with the
4 Department of Health and Human Services.

5 On the privacy side, because of our
6 visible role the Privacy Office has taken a
7 significant lead in terms of coordinating and
8 working with several other departments, HHS being
9 one, the military being another in terms of what
10 the planning and policies and procedures are going
11 to be associated with any influenza-like illness.

12 CHAIRMAN PURCELL: Will you have a PIA
13 for that kind of -- I mean it seems to me that a
14 widespread outbreak could imply a widespread
15 collection of data for tracking infected
16 individuals, people they may associate with, it
17 could be a massive information gathering and
18 analytical study. In those cases is a plan in
19 place to create a PIA that would at least provide
20 guidelines for the way that such information would
21 be managed?

22 MS. CALLAHAN: At this time there is,
23 the collection of personally identifiable
24 information associated with influenza illness will
25 not be allowed by the Department. We had a wide

1 range of different options. We thought about
2 having a System of Records Notice associated with
3 that collection. We ended up determining that the
4 Department did not have the legal authority to make
5 the collection of personally identifiable
6 information associated with flu-like illness, and
7 therefore what we've done is worked collaboratively
8 with the Office of Health Affairs and others to
9 minimize or to not collect the information at all,
10 and so that, it will be our approach, Richard.

11 With that said, of course, medical
12 personnel including Health and Human Services,
13 including public health officials and others will
14 collect the individual information associated with
15 their specific capacity, but it will not be
16 collected by the Department so that the Department
17 will never know Mary Ellen Callahan has influenza-
18 like illness, and I think that that is the most
19 privacy protective we can be in terms of the
20 Department and their responsibilities to be
21 stewards of the public while not inappropriately
22 collecting personal information, or personal health
23 information specifically.

24 CHAIRMAN PURCELL: Thank you very much.
25 Shall we turn to our questions? Joanne, you're up

1 first, please.

2 MS. MCNABB: Thank you. The Department
3 is evermore interesting and complex. What is the
4 Office of Health Affairs and what is its mission?

5 MS. CALLAHAN: The Office of Health
6 Affairs, I don't have its written mission down, but
7 it is a policy office associated with giving
8 policy advice related to the Department's mission.
9 It is being led by a man named Dr. Alexander Garza
10 who was just confirmed last month. It's a fairly
11 small office serviced by medical doctors, but again
12 they are acting as policy advisers related to
13 health impacts across the Department. For example,
14 the Coast Guard does have a whole medical staff. I
15 think it's 1,200 medical staff throughout the
16 Department out of 200,010 employees or so, but they
17 are not advising the medical staff as doctors.
18 They are, instead, having policy approaches to it,
19 and really quite frankly this H1N1 role has
20 increased the role of the Office of Health Affairs.

21 MS. MCNABB: So would they be giving
22 some sort of guidance to CBP, for example, about
23 taking people's temperatures as they come across
24 the border?

25 MS. CALLAHAN: They are working on all

1 of the policy development in terms of everything
2 across the border, and also have been working very
3 closely with specifically CDT -- CDC not CDT --
4 CDC. Sorry, I'm falling into the government
5 acronym hole, and I apologize for that. But for
6 the Centers for Disease Control, in terms of making
7 sure that the policies for the Department are
8 consistent with the policies for the government,
9 and they are one of the ones who we work together
10 with as I said to have an aggregate number of
11 people who are sick without having to collect any
12 of the personal identifiable information. It has
13 been a great relationship to work collaboratively.
14 They are of course actively involved in this
15 Workforce Protection Committee that I mentioned
16 that has members of all components, and the
17 components, particularly I would say CBP and TSA,
18 not to disparage ICE or USCIS who are here, but TSA
19 sees 2.1 million travelers a day. CBP sees 1.5
20 border crossings a day I think, 1.5 million. For
21 all of those they have so many interactions. The
22 TSA and CBP policies associated with pandemics were
23 actually very sophisticated, and they have been
24 further refined since April. So they are
25 definitely working on that, and again, together

1 with OHA to make sure the polices are consistent
2 with CDC guidance.

3 MS. MCNABB: And are those policies
4 available online?

5 MS. CALLAHAN: They're not finalized
6 yet.

7 CHAIRMAN PURCELL: But they will be.
8 Once they're finalized they'll be made public?

9 MS. CALLAHAN: I think so, yeah. Yeah,
10 some of the component ones may, but I'll check on
11 that. We have a meeting on Friday.

12 CHAIRMAN PURCELL: Thank you. Neville?

13 MR. PATTINSON: Great, thank you,
14 Richard. Mary Ellen, thank you for a terrific
15 update on what you've been doing on your team.
16 Always a pleasure to hear the busy activities. I'd
17 like to thank you for appointing Richard Purcell as
18 our new chairman, and congratulate him in his new
19 role, and we look forward to being led with his new
20 enthusiasm and diligence.

21 So on to my point, regarding social
22 media, do you have a specific policy in mind in use
23 of a social media with regard to people
24 participating from the public side with respect to
25 being anonymous or having anonymity in their

1 interaction? I'm somewhat familiar with the NING
2 environment that you described. It's bound by
3 invitation only, and you can basically build a
4 community through invites. It's not something that
5 you can just join ad hoc. There is work going on
6 within the TSA under E-Auth activities based off of
7 OMB's M-04-04 with regard to levels of
8 authentication and identification of people, and
9 level one is being addressed right now, a very
10 strong link to open ID and how to use open ID to
11 connect to websites under a persona or under some
12 identifier rather than using your identity. So
13 there are tools coming I think which are being
14 looked at which could be obviously adopted and
15 become part of that social media environment where
16 you can have some anonymity, and you know, not
17 using identity but using identifiers. So really is
18 there a need for people to identify themselves in
19 the social media environment, and if not, that's
20 fine.

21 Also, sub-question, how do you then
22 protect your own identity or, you know, so
23 somebody's not masquerading as somebody from DHS on
24 that; to try to give policy when that -- clearly
25 you all give discussion when clearly they're not

1 authorized.

2 MS. CALLAHAN: Those are great
3 questions. Thank you, Neville, and we have been
4 thinking about it a lot. I'd actually like to take
5 the GSA portion of the question first and then talk
6 about the Department's specific approaches.

7 With regard to GSA and the CIO Council
8 Identity Authentication Committee, which is a
9 parallel committee to the Privacy Committee,
10 several members of the Privacy Committee led by our
11 own Toby Levin have been working very closely with
12 the identity management people, and in fact have
13 been actively engaged in all those conversations
14 relating to open ID, and the level one, two, and
15 three, four in terms of having a, making sure that
16 people are able to interact in an anonymous or
17 pseudonymous way with the government, and to not have
18 inappropriate collection of information in a public
19 forum, and I've been very pleased with the
20 development of the conversations and the privacy
21 protections that Toby and members of her committee
22 were able to get implemented into the draft
23 proposal in GSA. So I think that both the CIO's
24 who are helping lead this identity management
25 directive that Neville talked about, as well as the

1 Privacy Officers who are participating as part of
2 Toby's Best Practices Committee have a real meeting
3 of the minds to make sure that we allow this
4 transparency and engagement that the President
5 talked about without making people feel
6 uncomfortable, without following people, without
7 having inappropriate collection, use, and storage
8 of information. So with regard to the social media
9 policies within the Department specifically,
10 absolutely people can participate in an anonymous
11 fashion, whether it is on the Department's website,
12 or whether it's at YouTube, or whether it is at
13 NING.com.

14 NING requires a collection of the
15 following characteristics of information: they
16 require, in order to participate, your name, email
17 address, gender, and date of birth for COPPA
18 reasons. The only information that is passed to us
19 is the identifier. It's the username. So we don't
20 get the email addresses, we don't get any of the
21 other information that's registration data. That's
22 NING's proprietary information, and so we have
23 worked with NING to make sure that that information
24 is not passed. So everyone who is engaging on
25 Ourborder.NING.com is engaging, so using an

1 identifier, a pseudonym so to speak, you can use
2 your personal name obviously. For all the DHS
3 employees they all are identified by DHS and then
4 their first name. We have asked them not to use
5 their full name for privacy reasons themselves, but
6 they are identified in their official capacity as
7 DHS, and so there's not anyone trying to sneak it
8 or whatever.

9 With regard to NING, which as I said is
10 a civic network, a way to engage on immigration
11 issues, on border issues and so on, there is a
12 comment and privacy policy for ourborder.NING.com
13 that we work collaboratively with all the offices I
14 previously mentioned. We do moderate the
15 discussion, but the moderation of the discussion is
16 related only to, I have to remember exactly what it
17 is, but essentially it is hate speech or that
18 threatens violence. And to my knowledge, I was
19 telling Lisa Sotto earlier, there's probably 200
20 postings a day on ourborder.NING.com right now in
21 different capacities and none of them have been
22 blocked yet. They've all been moderated, but
23 they've all been allowed to be posted and there is
24 a 24 hour view of that; people who review it not
25 just during nine to five.

1 So you can have anonymity. The
2 conversation is taking place on -- the YouTube
3 policy we're not moderating at all because it's
4 just a YouTube channel. It's DHS. It is
5 YouTube.com/USHomelandSecurity. And in that, that
6 is the videos that are available also on DHS.gov.
7 All of the videos that are available on YouTube are
8 also available on a government site. So if
9 somebody wants to go to YouTube, if somebody does
10 not feel comfortable going to YouTube, they can go
11 to DHS.gov. At DHS.gov we collect no personally
12 identifiable information, and there are no cookies
13 there. And if you are not a member of YouTube or
14 you have not signed in, then that information is
15 not stored either. And so between the two we feel
16 that there are appropriate privacy protections.

17 These types of options, Neville, are
18 ones that we are putting into our policies to say
19 if you moderate you have to have a comment policy,
20 you have to say what it is, you have to be clear
21 and conspicuous with regard to it. If you do not
22 moderate, you must state that expressly in the
23 front, and that's available on the YouTube site.
24 You know, so there are different options and
25 gradations and have it be clear so that whoever

1 engages in social media understands what the rules
2 of the road are for the Department, including
3 anonymity. And also, Neville, I want to thank you
4 for reminding me to thank Richard Purcell for
5 agreeing to be Chair of the Committee. That was my
6 oversight for not mentioning it earlier. Thank
7 you, Richard.

8 CHAIRMAN PURCELL: No worries. Many
9 thanks to Skippy as well. Thank you.

10 Quickly now since we're running a little
11 over, Renard.

12 MR. FRANCOIS: Thank you very much and
13 thank you for the wonderful and detailed overview
14 that you've given in a very busy year that you've
15 had; busy six months that you've had.

16 My question relates to the laptop
17 searches and that you'd alluded to, and there are
18 two questions, and the first is whether your office
19 is engaged with the component offices, either TSA,
20 CBP, or ICE or are working with their Chief Privacy
21 Officers to develop training in terms of, you know,
22 how to handle collecting, maintaining personal
23 information or maybe even sensitive information
24 that may be discovered in any type of search and
25 seizure of an electronic device. And the second

1 question relates to in the guidance that I saw that
2 there is a provision for developing an audit
3 mechanism to determine compliance with the
4 directive, and I was wondering whether the Privacy
5 Office is going to, or it's contemplated whether
6 the Privacy Office would participate in developing
7 some sort of protocol in that audit with respect to
8 personal information and that sensitive
9 information.

10 MS. CALLAHAN: Great, thank you, Renard,
11 for those questions.

12 First, I want to clarify the searches of
13 electronic devices at the border involve two
14 components, the Customs and Border Protection and
15 ICE. TSA of course provides security, but the
16 security is at the screening level for entering
17 into an airport. They are not at the border. So
18 these policies do not affect the TSA policies
19 specifically.

20 For the PIA and for the development of
21 the directives themselves, the Privacy Office
22 worked very closely with both CBP and with ICE, as
23 well as with many other components to make sure
24 that the policies are accurate and complete. With
25 regard to training specifically, yes, absolutely.

1 In fact in the press release announcing the laptop
2 PIA, the Secretary specifically instructed Civil
3 Rights and Civil Liberties privacy together with
4 CBP to work on establishing and increasing the
5 training associated with the searches of electronic
6 devices, and so we will be working collaboratively
7 with those two different parts of the office, or
8 excuse me, with the different parts of the
9 Department to make sure that that training is
10 sufficient, and that is a very important initiative
11 for me, and I am very -- will focus on that going
12 forward.

13 Civil Rights and Civil Liberties of
14 course also has been instructed to have a Civil
15 Liberties Impact Assessment, a CLIA, and they
16 should do so in 120 days, and we have offered to
17 work collaboratively with them on what we've
18 learned on the PIA process to help inform their
19 CLIA. So we are very much working with that.

20 With regard to the audit mechanism
21 associated with the laptop, with the new electronic
22 devices directives, yes, the Privacy Office will be
23 involved with protocols. We of course need a PIA
24 and a SORN related to that, and that is of course
25 our enforcement mechanism to make sure that indeed

1 those policies and procedures are in place. We
2 already have had preliminary conversations related
3 to the proposed audit mechanism associated with
4 increased visibility into the searches of
5 electronic devices. So I feel confident that we'll
6 be part of that process.

7 CHAIRMAN PURCELL: Thank you, Mary
8 Ellen. Jim? Quickly if possible.

9 MR. HARPER: We'll see. On the
10 electronic devices question, I was reading over the
11 PIA with interest of course, and a term of art
12 that's new to me is used, that a device may be
13 detained or detention of a device occurs. In
14 Constitutional Law, it's a seizure of property when
15 there's meaningful interference by the government
16 with an individual's possessory interests. So
17 literally just taking something from someone for
18 even five minutes is a Constitutional seizure.
19 What's the source of the language detention which
20 seems to try to come up with new terminology
21 outside of Constitutional Law for what happens when
22 someone's device is taken from them?

23 MS. CALLAHAN: Several caveats, I am not
24 acting as a lawyer in this capacity. I am not
25 providing legal advice to you, Jim, or to anybody

1 else here on the Committee, and also I will concede
2 that I am not a Constitutional Scholar with regard
3 to the border, the case law associated with
4 searches at the border. With that said, I did read
5 all of the relevant case law associated with
6 searches at the border. This detention concept I
7 believe is not inconsistent with Constitutional
8 Law, but is related to the Sovereign's inherent
9 authority to protect its borders and to make sure
10 that indeed the information, that nefarious
11 activities are not entering into the United States,
12 so I think, again, don't quote -- I think that that
13 case law on the concept of detention is associated
14 with the increased authority that the government
15 has at the border. For example, the case law
16 clearly says, the Fourth Amendment doesn't apply
17 for searches at the border. But the detention
18 process is not one that I know the origin of.

19 MR. HARPER: There are so many eyes on
20 me. I feel like everybody wants me to --

21 CHAIRMAN PURCELL: I suspect that we're
22 on the verge of a learning moment here, Jim. We
23 don't have time for it right now, but if you don't
24 mind, I'd like to ask you to help us to learn more
25 about this issue.

1 MR. HARPER: Thank you.

2 CHAIRMAN PURCELL: Mary Ellen, thank you
3 very much. I want to express personal as well as
4 the whole Committee's thanks to you for a rapid and
5 aggressive standup of your position as the Chief
6 Privacy Officer at Homeland Security, and your
7 leadership of the Committee and the direction we're
8 taking. We hope to work for many years together to
9 advance the mission of the privacy office with the
10 help of this Committee, so thank you very, very
11 much for your time today.

12 MS. CALLAHAN: Thank you, Richard, and
13 thank you Committee.

14 CHAIRMAN PURCELL: We'll next hear from
15 several representatives of DHS components. It's
16 going to take us a moment to work this up, so I
17 would give you about two or three minutes to get
18 water, coffee, or anything like that. In the
19 meantime we'll have a small musical interlude. No,
20 we won't.

21 (At 9:35 a.m., off the
22 record.)

23 (At 9:41 a.m., proceedings
24 resume.)

25 CHAIRMAN PURCELL: We have the privilege

1 of having several representatives of DHS components
2 to speak to us on outreach and engagement efforts
3 that they undertake with religious and ethnic
4 groups in the Detroit area. We're going to have a
5 two part panel essentially with a break in between
6 the two. Our first group of panelists then include
7 Ms. Hiwatha Greene-Janvier, who is the Community
8 Relations Officer for US Citizenship and
9 Immigration Services in the Detroit District. Her
10 duties are wide-ranging apparently. We've gotten
11 quite a bit of material, but primarily center
12 around building an effective and ongoing
13 communication strategy and outreach effort with
14 local communities about US CIS policies and
15 procedures. She regularly attends meetings of
16 community groups affected by immigration issues in
17 order to accomplish her mission, and trains members
18 of the public who volunteer to assist CIS in
19 providing information to the public and who also
20 volunteer to assist others in completing
21 immigration related documentation.

22 We also are joined by Mr. Brian Slonac.
23 Brian is the National Program Manager for US
24 Immigration and Customs Enforcement Office of
25 Investigations in the Detroit area. He is

1 responsible for overseeing several ICE Office of
2 Investigations Programs in Michigan and in Ohio,
3 including Congressional Relations, Community
4 Outreach and Field Training. Before becoming
5 National Program Manager, Mr. Slonac has served as
6 the Group Supervisor in both ICE and the former
7 Immigration and Naturalization Service; as a
8 Special Agent Immigration Inspector, and border
9 patrol agent. So he's had quite extensive
10 experience in the area and has more than 24 years
11 of government law enforcement primarily in the
12 Detroit area, and apparently is not a running back
13 for LSU or never was.

14 Mr. James Jacobs also joins us. James
15 is the Senior Field Training Officer and
16 Deportation Officer in the Detention and Removal
17 Operations Division for ICE, the Immigration and
18 Customs Enforcement Office. Officer Jacobs was
19 born and raised nearby in Port Huron, Michigan, and
20 has worked previously in the Immigration and
21 Naturalization Service, in DHS's Customer and
22 Border Protection component, and since 1996 has
23 been with ICE. He's also served as a Senior
24 Immigration Inspector at Detroit Metro Airport.

25 So with that we'd like to hear from our

1 three panelists. We'll refrain from our questions,
2 please, until the final panelist has concluded
3 their remarks. So Ms. Greene, you may proceed.

4 MS. GREENE: Good morning, and thank you
5 for allowing me this opportunity. I feel extremely
6 honored to share information with regards to the
7 Community Relations Program that we have here at
8 the Detroit District 12, and I want to bring you
9 greetings from Mick Dedvukaj, who is our District
10 Director, and Mr. Dedvukaj is extremely involved in
11 our Community Relations Program and process. And
12 when I say extremely involved, he's very active.
13 He does meet with our stakeholders on a regular
14 basis and allows them the opportunity to share
15 their concerns with him. If they can be worked
16 out, believe me, Mick is going to work them out.

17 Through our Community Relations Program
18 as the Community Relations Officer I have an
19 opportunity to develop and maintain collaborative
20 relationships with a variety of organizations. I
21 try to identify organizations and make assessments
22 that, with organizations and individuals or even
23 businesses that have some kind of interest in
24 immigration. So those organizations may include
25 community and faith-based organizations, government

1 and non-government delivery agencies, so I'll work
2 a lot with the State of Michigan, our local city
3 organizations, the Chambers of Commerce and the
4 various business associations. While we have the
5 Chambers of Commerce there are also a number of
6 ethnic business organizations that I'm involved --
7 that we work with. ALA is a major stakeholder. We
8 have quarterly meetings with them and monthly
9 meetings with them just with their committee around
10 various policies and procedures.

11 We have accredited representatives. In
12 this District we have 12 accredited organizations
13 only. In some of the other major states there are
14 lots of them, but we only have 12, but they are
15 very active and they've been around a very, very
16 long time.

17 Civil Rights and advocacy organizations
18 have also become very important to us, so we work
19 with the local community, local human relations
20 commissions in their communities, and they don't
21 always have immigrant problems, but what we're
22 trying to do is work with them to give them an
23 opportunity to assess their own communities.
24 Sometimes people in their local communities are not
25 really immigrant friendly. It doesn't mean they're

1 anti-immigrant, but they're not aware of who's
2 really living in their communities, so working with
3 a local Human Relations Commission gave us an
4 opportunity to allow them to really look at their
5 community and include the immigrants; and of course
6 advocacy organizations, diverse ethnic and
7 immigrant community and social organizations are
8 also are also included. So we've really made a
9 tremendous outreach to everybody, whether they do
10 immigration work or not.

11 We also include adult education teachers
12 and ESL teachers. One of the things that I've
13 discovered is that the adult education teachers
14 have a way of identifying everything that is going
15 on in the immigrant community. So now they have
16 included, they have now been contacting me not
17 necessarily for paperwork or anything like that,
18 but mainly for citizenship. The majority of people
19 we are finding that are going to adult education
20 ESL classes are trying to learn how to speak
21 English, read and write English well so that they
22 can become citizens. The adult education teachers
23 are now playing a major role in that.

24 The libraries are also becoming very
25 involved in our outreach efforts because in those

1 communities there are people who have had, in the
2 State of Michigan we are finding over 97,000 people
3 who have had a Green Card, a permanent resident
4 alien card for over 30 years. They have not --
5 they tell me of their memories with the old INS of
6 standing in long lines and those kinds of things
7 that used to happen to them, so many of them have
8 failed to come back. You know, it's like when we
9 go to a grocery store somewhere and the business
10 doesn't work out very well it's kind of hard to get
11 us back there, so I'm working now in outreach
12 trying to encourage the people, let them know that
13 we are now under the Department of Homeland
14 Security. I really emphasize that, and there have
15 been a lot of changes, and we're available to serve
16 them in a different manner. The outreach process
17 allows us to go out to the people and try to build
18 trust, to give them -- to make an option for
19 listening, because we perform, we actually do
20 listening conferences. I need to go back to some
21 of my notes. We try to teach the public to trust
22 us, and I mean really teaching them to trust us
23 because they had lost a lot of trust for us; and to
24 also trust the system that is in place. It's not
25 the perfect system, but it is a system in place,

1 and then to utilize the process that's already in
2 place so that eventually if it doesn't work we'll
3 be able to identify that, and I have a way of
4 providing feedback to our District Director as well
5 as feedback to our national office.

6 We're also trying to alleviate the fear
7 that complaints will be met with some kind of
8 negative outcome. For example, working with the
9 organizations, there are over 10,000 organizations
10 in the State of Michigan that I actually have been
11 able to contact. Ten thousand. That's a lot of
12 organizations. Those organizations that serve our
13 immigrant customers who go to those organizations
14 to complain about various problems that they may
15 perceive that they have, they may be having, or
16 they may perceive that they have with our Agency
17 out of fear. The organizations actually contact me
18 and say, well, you know, I've said to them, you
19 know, write up a letter explaining what has
20 happened if it seems like an unfair process or
21 something that your client misunderstood and get it
22 to us. Well, a lot of the organizations have
23 feared that, and they'll say this to me, if I write
24 that letter I'm afraid that my customer may not be
25 served; that they may end up with a denial

1 automatically. And I don't think that that just
2 happens in the US Citizenship and Immigration
3 Service. I think that is a Federal Government kind
4 of fear. It's very hard for people to believe that
5 the Federal Government wants to do something for
6 you.

7 I'm not an Immigration Officer, so to my
8 advantage I am neutral. I am dedicated to the
9 Agency, I want that understood, but being in
10 community relations versus public relations, I'm
11 looking for truth in order to assist the Agency in
12 identifying what the problem is and then working on
13 resolving that problem, and sometimes that problem
14 can be in policies that we have had established for
15 a long time, or many times just practices. So I
16 always, my grandmother used to say that you can't
17 resolve a lie. It's so important to know the truth
18 because you can't pull anything together or resolve
19 it if you don't have a truth about it.

20 Now on that note, I do have to share
21 this: there are a lot of organizations that work
22 with us, and they continue to provide us
23 information that is so old. It may have been
24 resolved at some point. It may have never gotten
25 resolved, but they will give that information as if

1 it is something that is happening today, and it's
2 very -- and that's also to keep their mission
3 going. We all have missions, and so sometimes I
4 have to share with the organization, you know, I
5 know you have your mission and we have our mission,
6 but sometimes their mission is out of fear that
7 they won't exist if they don't have problems from
8 the customers. So they will take the same story of
9 the same person's story and say it over and over
10 again, and that person has probably already
11 received a benefit many times over, but in order to
12 think that they have to continue to exist in the
13 way that they're existing, they may not tell the
14 truth. So then you have conflicts. So you have an
15 organization that is saying, okay, we're going to
16 take care of this, but they really can't take care
17 of it because you don't know what to take care of,
18 and then you have another organization that is
19 saying that this is the problem, but they know
20 that's not the problem, so one of the things that I
21 do in our outreach effort is to conciliate; to try
22 to get people to come together, to sit down with us
23 and then let's talk about not the case
24 specifically, but what are the processes that are
25 in place that may create the fear? What kind of

1 information does the everyday person need to know?
2 In our outreach program here the Director has been
3 assisting me in identifying people who are not
4 immigrants. That's a very, very important
5 component because the local community needs to know
6 some of the processes because right now they may
7 have a neighbor, a teacher may have students in
8 their classroom, the gentleman down the street who
9 sells groceries may not know the culture of
10 someone, so everybody needs to be aware of what's
11 going on in general and have a piece of the truth
12 so that they can assist us in integrating the
13 people who are coming into the country. We call it
14 civic integration now, so not only are we in our
15 outreach efforts focusing just on the immigration
16 paperwork; we are now focusing on civic
17 integration. Do people know how to go and apply
18 for selective service? Because down the line
19 that's going to be a question that is going to be
20 asked of you, a requirement if you're a male, for
21 citizenship. Do you know that you should meet with
22 IRS and what are the ramifications if you don't pay
23 your taxes, because right now someone may be
24 thinking, well, that's not important to me. But
25 later when you want to become a US citizen it is

1 important. So right now we're focusing our special
2 project right now is a focus on citizenship and the
3 path to citizenship, and that path to citizenship
4 doesn't start anymore after three to five years.
5 It is now starting as soon as people come into our
6 country, even with students at the universities.

7 The listening conference that I
8 mentioned, the listening conference is an
9 opportunity for us to have people come in and speak
10 to concerns that they have without any answer from
11 us. Actually just allowing people to tell it; just
12 say whatever they need to say. We write down all
13 of that information, and then if there's a group of
14 people, actually give them little stickers and look
15 at how many people in that group from throughout
16 the State of Michigan are having the same kind of
17 problem? Not long ago we worked on something with
18 the Secretary of State's Office. The Secretary of
19 State's Office, a few years ago, made some
20 decisions that really impacted our refugee
21 population. Now although the refugee population,
22 once they are here then they end up with
23 immigration matters that we have to deal with, but
24 -- and they're always going to come to USCIS. It's
25 just recently, what was it, just last year the ICE

1 agents with CBP, the Department of State, USCIS, our
2 District Director actually pulled together a number
3 of the agencies out of DHS to meet with the
4 Secretary of State here in Michigan because that
5 was a fear of the Real ID process taking place as
6 well, but some people were not able to get their
7 benefits that are required, even based on
8 regulation because there was a conflict with what
9 the State's regulations were, and they had based
10 their regulations or their ideas, their ideas were
11 based on something an Attorney General had said a
12 while back, and it was just creating a multitude of
13 conflicts, but an example of our outreach efforts
14 was the District Director pulling together all of
15 the other agencies involving them, and actually
16 having training so the Michigan Secretary of
17 State's Office, everything is not perfect yet, but
18 at least they made some tremendous changes with
19 that.

20 Some of my duties and responsibilities
21 are identifying current relationships and
22 interactions, and I actually look at the agencies
23 that are maybe having conflict because there's not
24 enough money, there's not enough of any -- most of
25 the agencies that work with us are non-profit

1 organizations, so they don't have a lot of money.
2 They don't have a lot of modern equipment. Many of
3 them are providing free services to our immigrants,
4 and so sometimes their relationships are
5 competitive, so we actually work with everybody on
6 an equal basis to make sure that everybody's
7 treated the same and encouraged, and we convene
8 educational forums and again the listening
9 conferences, and we identify trends and make
10 assessments by identifying trends and making
11 assessments. It gives us an opportunity to share
12 with our National Office which trends may be taking
13 place in other districts.

14 I am going to end now, and then you can
15 just ask me questions later. Thank you.

16 CHAIRMAN PURCELL: Thank you Ms. Greene-
17 Janvier. We've got lots of table cards up already,
18 so there'll be plenty of questions it appears.

19 Next we ask Mr. Slonac to speak, please.

20 MR. SLONAC: Thank you, and I also want
21 to thank the Committee and Martha for inviting us
22 to speak, and I do want to convey my Special Agent
23 In Charge's apologies for not being here himself.
24 Mr. Moskowitz is very proactive in outreach, but
25 he's been sent to our headquarters for three months

1 to help draft some policy on career path for
2 special agents, so he is out of pocket for the next
3 couple of months so I'm happy to be here in his
4 stead.

5 I'd like to talk a little bit about ICE,
6 ICE Office of Investigations in particular. The
7 presentation that I wanted to do though is fairly
8 brief but is geared somewhat more towards the
9 public than this Committee, and I apologize if some
10 of the things I talk about are more basic than, I
11 understand you're very well educated in these
12 areas, but for those public members who may not
13 know what ICE is, I'm going to cover some basic
14 points as well, so just please bear with me.

15 Generally when we talk to a group like
16 this we like to ask, you know, what is ICE, who
17 knows what the acronym stands for, and often times
18 many people, the public, have no idea. The
19 Immigration and Custom Enforcement is a -- that is
20 not what ICE is but that's the conception that many
21 people have. We are actually a group of combined
22 agencies. Some of us came from the Department of
23 Justice as I did. I was with the Immigration
24 Naturalization Service. Others of us came from the
25 Treasury Department as my customs counterparts did,

1 and we merged into a new agency that came into
2 existence along with the Department of Homeland
3 Security in 2003. Our mission for ICE in general
4 is to defend the nation by enforcing customs and
5 immigration laws through investigations that target
6 the people, money, and materials that support
7 terrorists and other criminal activities.

8 Obviously the events of 9/11 were the predicate for
9 the Department itself and our Agency, but what
10 we've kind of morphed into here has been much
11 larger and continues to grow. We are one of 26
12 Special Agent in Charge Offices. We call them SAC
13 offices in Detroit. Through the country there are
14 more than 300 subordinate offices, smaller offices
15 we call RAC offices or ASAC offices, as well as
16 more than 60 attaches, or foreign offices, and just
17 to get an idea of the breakdown in the country, we
18 are a very small area. We cover Michigan and Ohio.
19 We also have offices again throughout the country
20 and throughout the world.

21 Michigan and Ohio, our offices, we have
22 the SAC office here in Detroit, which is our main
23 office. We also have offices in Sault Sainte
24 Marie, which is a very small office. We have
25 offices in Grand Rapids as well as in Ohio. We

1 have Cleveland, Columbus, and Cincinnati, and we
2 also have a small office at Detroit's Metro
3 Airport, and that basically comprises our offices
4 in Michigan and what the SAC Detroit is responsible
5 for.

6 What do we do? What does ICE Office of
7 Investigations do? We basically doubled the work
8 that we do when we merged as an Agency. I had
9 responsibilities to enforce immigration laws. My
10 counterparts had authorities to enforce customs
11 laws, but now as a merged Agency we look at such
12 things as financial crimes including money
13 laundering, bulk cash smuggling; we look at
14 commercial trade and fraud investigations; we have
15 gang initiatives, anti-gang initiatives, public
16 safety enforcement; we look at weapon smuggling,
17 both on large and small scale; we look at export
18 enforcement, things leaving the country as well as
19 coming in; intellectual property rights, or
20 protected secrets, be they business or government;
21 human rights violators. It could range anything
22 from still looking at Nazi war persecutors to
23 events that happened in Rwanda and everything in
24 between. Work site enforcement and critical
25 infrastructure. We are also responsible for making

1 sure that the businesses in this country maintain a
2 legal workforce and that parts of our critical
3 infrastructure, everything from airports to nuclear
4 plants, are hiring legal and documented workers.

5 Again the main predicate for our Agency
6 as well as the Department of Homeland Security was
7 national security. ICE Office of Investigations is
8 a lead Agency when it comes to national security
9 investigations. We are the second largest member
10 of the FBI's Joint Terrorism Task Force, and that
11 would be certainly our highest priority. We're
12 also the lead Agency when it comes to alien
13 smuggling and human trafficking investigations.

14 We have a dedicated cyber crimes unit.
15 I know that there are questions about border
16 searches and things along those lines. This unit
17 is primarily dedicated to enforcing laws as they
18 relate to child pornography related to the internet
19 and cyber crimes. As you're well aware, anything
20 internet related basically has an international
21 nexus, and that falls into our purview.

22 Fraud investigations, we look at both
23 identity and benefit fraud. Anything that has an
24 international nexus would fall into our purview,
25 and we have a dedicated document and benefit fraud

1 task force that we lead. In Michigan we have
2 members from various state, federal, local agencies
3 that are members of this task force and will look
4 at everything from social security and document
5 fraud on a small scale being sold on the streets of
6 west Detroit to major conspiracies and smuggling
7 that come from countries such as China.

8 We also are involved in narcotics and
9 cash smuggling. Much of this is done at the border
10 with our counterparts in CBP; much of it's not.
11 Anything basically that has an international nexus
12 is an area that we cover. We work closely with our
13 counterparts in CBP, TSA, DEA, and the FBI in these
14 areas as well.

15 What's a typical year for ICE Office
16 investigations? Well, these are not the most
17 current statistics. It would probably be from last
18 year, but just to give you an idea of what we do,
19 we initiate over 75,000 new investigations a year.
20 We make over 22,000 criminal arrests with a
21 commensurate amount of administrative arrests as
22 well in the thousands. We've seized nearly \$200
23 million dollars in currency and monetary
24 instruments. We've seized over 600,000 pounds of
25 narcotics and other dangerous drugs. We've seized

1 millions of dollars worth of contraband and illegal
2 merchandise, both at the border and away from the
3 border, and we've responded to more than 700,000
4 law enforcement calls for assistance, many of these
5 through our Law Enforcement Support Center in
6 Burlington, Vermont.

7 That's kind of the enforcement side of
8 what we do, but we're also very proactive in
9 outreach. We try to make efforts into ethnic,
10 religious, educational, and business outreach. One
11 of the examples of this type of outreach is a group
12 called BRIDGES, and I'm glad that George Selim is
13 here since he is a very active participant in that
14 particular group. BRIDGES stands for Building
15 Respect in Diverse Groups to Enhance Sensitivity,
16 and I'd just like to just explain a little bit
17 about what BRIDGES is and why we're involved. It's
18 a group of government officials, community
19 organizations, and private citizens organized by
20 the American Arab Anti-Discrimination Committee and
21 the Department of Homeland Security Office of Civil
22 Rights and Civil Liberties for the purpose of
23 building trust and understanding between law
24 enforcement and Arab and Muslim communities.

25 Basically this group stemmed from the

1 events of 911. There was a lot of mistrust between
2 the Arab community and government in general, and
3 it became very evident to us as well as the Arab
4 community that we needed to sit down and establish
5 a group that could talk openly about what we do in
6 law enforcement; why we do the investigations that
7 we do, how we do them, what our legal authorities
8 are; and also give us a chance to build trust with
9 the Arab community so that when we have initiatives
10 that we're mandated to do, or when we need to reach
11 out for assistance that we have people that trust
12 us and are willing to work with us. I think that
13 thanks to George and his work I think this group is
14 a model for what other jurisdictions are trying to
15 do right now.

16 Another group that we're involved in is
17 called ALPACT, Advocates and Leaders for Police and
18 Community Trust. Similar to BRIDGES but in a
19 broader group. The ALPACT mission is a bit
20 broader. It was established to examine issues
21 affecting police and community relations and the
22 discriminatory enforcement of laws, such as racial
23 profiling, police discretion and use of force,
24 recruitment and training, the citizen complaint
25 process, and management disciplinary practices, to

1 develop recommendations and best practices designed
2 to enhance the bonds of trust between law
3 enforcement and the communities they serve, and to
4 present and recommend implementation strategies to
5 law enforcement and community groups. That's a
6 mouthful. I'll admit that. But in a nutshell it's
7 a group of state, federal, local law enforcement as
8 well as community groups, NGO's, and other
9 community members. We sit down in a group, an ever
10 expanding group, and talk about what we can do
11 better in law enforcement to serve the community,
12 what the community can do to help law enforcement
13 do a better job. ALPACT is chaired by the Special
14 Agent In Charge of the FBI as well as a member of
15 ADC, Nabih Ayad; very proactive on both ends. This
16 group has expanded from a fairly small group of
17 agencies now to probably at the last meeting
18 probably had more than 50 people attending and ever
19 expanding. The group itself has been used to
20 implement changes in how law enforcement trains,
21 what we need to do better, and in fact they work
22 with MCOLES, which is basically the State of
23 Michigan's board for designing law enforcement
24 standards to actually make changes to training
25 policies. So this group has been very good and

1 very, very proactive.

2 On a more localized scale we deal with

3 the Detroit Hispanic Development Corporation.

4 They've worked with us on ICE led gang initiatives

5 which works hand in hand with ICE Operation

6 Community Shield, which is our blanket term for

7 gang investigations, and this initiative was

8 primarily focused in southwest Detroit and targets

9 gang members within the community and in the

10 schools. ICE agents reach out to local police,

11 community leaders, businesses, and school

12 principals to solicit their support and cooperation

13 within the Hispanic community. We realized we had

14 gang problems here in Detroit. For many years

15 local law enforcement didn't want to admit that,

16 but we know it to be true, and we knew that as part

17 of ICE we had to take a proactive stance on gang

18 investigations. So we reached out to the

19 grassroots level. We talked to community leaders,

20 we talked to Detroit principals and said, you know,

21 we're going to be looking at gang investigations,

22 we want your help, we want to build trust with you,

23 and without you we won't be able to do as good of a

24 job. So we've been sitting down on small scale

25 meetings. We've been doing basically forums in the

1 community where we can, town hall type forums where
2 we sit down and deal with issues that the community
3 has, you know, why they don't trust law
4 enforcement, what we can do better to help them
5 bring information to us, and it seems to be working
6 on a localized level in southwest Detroit.

7 We have a new position that a year ago I
8 wouldn't have been able to talk about, but we now
9 employ a Victim Witness Specialist who is
10 responsible for providing outreach and partnering
11 with non-government organizations, other government
12 agencies, hospitals, and law enforcement agencies
13 to identify, rescue, and provide assistance to
14 victims of crime, and/or human trafficking. The
15 victim witness specialist is also responsible for
16 interviewing victims of crime and making
17 recommendations in relation to immigration
18 benefits, such as continued presence. The Agency
19 realized that as we get more proactive in
20 investigating such violations as human trafficking
21 that we are going to encounter victims, and there
22 needs to be a mechanism for victims to know that
23 they can come forward to the government; that we
24 can protect them and that they're entitled to
25 certain rights such as staying in this country as

1 protected people for providing witness and
2 testimony to us. Our victim witness specialist is
3 a social worker by trade, but she's worked with law
4 enforcement for years. She has handled human
5 trafficking cases here locally with us, some
6 involving Russian organization crime. She's also
7 dealt with some of our human rights violator cases.
8 She's gone to Rwanda to assist us in doing
9 interviews with victims, and basically her role
10 within our Agency has now become invaluable.

11 We also reach out to business and
12 industry. We conduct outreach to private sector
13 industry and banking institutions through such
14 programs as we call Shield America and Operation
15 Cornerstone to provide information and partner with
16 them to combat such things as money laundering,
17 intellectual property rights violations, and
18 counter-proliferation. We make an active effort to
19 go out to the industries to talk to them, whether
20 it's individually or in large groups, to talk about
21 how money laundering works, what our role is in
22 money laundering investigations and how they can
23 help us and how we can help them. These programs
24 have been very beneficial to us. We've gotten some
25 very good leads, and we've also made some extremely

1 good contacts in the private industry, which has
2 helped us move forward in these types of
3 investigations.

4 Education. The ICE Office of
5 Investigations along with our partners in CBP and
6 other state and federal agencies, including CIS,
7 participate in a yearly forum hosted by the
8 Michigan Association of International Educators.
9 This forum gives foreign student advisors and
10 school officials the opportunity to ask ICE
11 questions in relation to foreign students and the
12 requirements to maintain legal status in the United
13 States. It also provides points of contact for
14 future reference. It's basically a yearly meeting.
15 The international educators and foreign student
16 advisors hold a weekly training conference. They
17 invite us along with our counterparts in CIS, DRO,
18 the FBI, State of Michigan, State Department, to
19 come and sit on a panel similar to this but a much
20 larger group. They ask us questions about our new
21 policies, how we enforce laws, what we do, what we
22 don't do in relation to foreign students. At the
23 end of the day they have points of contact that
24 they can reach out to and contact when they have
25 questions on a regular basis.

1 Lastly, religious outreach, we have met
2 with imams in the Muslim community. We've met with
3 priests in the Chaldean community. They reach out
4 to us in times when they have questions regarding
5 what they perceive as profiling or targeting their
6 respective community members. Sometimes there'll
7 be a special interest case which will draw a lot of
8 attention and will make the effort to sit down with
9 them in either large or small groups and talk about
10 not that case specifically but how we got to that
11 point, what we do, what our authorities are, and
12 try to build trust with them as well.

13 I don't want to go too long. Again, I
14 can answer any questions when we finish up here,
15 but I appreciate your time. Thank you.

16 CHAIRMAN PURCELL: Thank you, Mr.
17 Slonac. That's great. I think you've stimulated
18 quite a few questions with this rather sweeping
19 look at all of your operations and investigations
20 work.

21 MR. SLONAC: Thank you.

22 CHAIRMAN PURCELL: We turn to Mr. James
23 Jacobs then please.

24 MR. JACOBS: Hello. I just want to
25 thank the panel for allowing me to speak today.

1 Normally my boss Andy Lynch would be giving this
2 presentation, and I'm sure he apologizes for not
3 being here, and he's sorry. Probably not as much
4 as I am, but I kind of want to reiterate what Brian
5 said, and a lot of the stuff that we do as far as
6 outreach kind of mirrors. We participate in a lot
7 of the same outreach and contact the same agencies
8 as Brian, but I'll give you a brief background on
9 what we do in DRO, and then I'll go into the
10 outreach briefly.

11 Okay, this is our mission statement. Of
12 course we promote the public safety and national
13 security by ensuring the departure of all removable
14 aliens from the United States through the fair and
15 effective enforcement of our immigration laws.
16 Sometimes that's easier said than done. And this
17 just gives a little snapshot of what we've done and
18 how our workload has increased. A lot of duties
19 with DRO and personnel have probably increased
20 tenfold in the last five years. We've taken over a
21 lot of the programs that our sister agency, Office
22 of Investigations, used to do. And as you can see
23 by the numbers, you know, our numbers are getting
24 greater and the number of people that we remove,
25 we're responsible for custody management, detention

1 management.

2 This kind of shows going into the fiscal
3 year '09, and you can see the numbers kind of speak
4 for themselves here. So with that kind of growth
5 sometimes we experience a lot of growing pains, and
6 I guess the need for outreach is even greater on
7 our part because there are a lot of concerns from
8 the community, certain groups.

9 This is a general day in the life of an
10 officer in DRO, and you can see there on a daily
11 basis we process on average, give or take, of 600
12 criminal aliens, arrest 94 fugitives, give or take,
13 prosecute 19 cases federally, process and remove
14 200 cases, process 1,000 aliens in our detention
15 facilities. And I'm sure a lot of you are aware
16 now that there's sweeping changes to change and
17 adjust our detention facilities, our policies,
18 procedures. That's undergone a transition the last
19 few years. We're undergoing performance-based
20 national detention standards, which is to further
21 define the way we detain civilly as opposed to
22 criminally, and then those changes I can see more
23 upcoming in the near future.

24 So we remove 1,000 aliens around the
25 globe daily. We track over 1,000,600 aliens at

1 various stages of the immigration or deportation
2 process, and we monitor approximately 17,000
3 aliens, which would be under our ESR program,
4 supervised reporting. That would be monitors.
5 That would be electronic monitoring. It could be
6 telephone reporting.

7 Okay, I didn't know exactly what the
8 focus of the outreach was, so I included a lot of
9 state and local agencies that we participate in.
10 As far as state and local agencies, Michigan
11 Department of Corrections, our outreach activities
12 involve state and local facilities to give them a
13 better understanding of some of the programs we do,
14 such as the CAP, the Criminal Alien Program, and
15 that's something we inherited from Office of
16 Investigations. They're currently working on a
17 Rapid REPAT program with the Department of
18 Corrections in both states, in Michigan and Ohio,
19 and basically that's a program where they agree to
20 do half of their minimum sentence if we agree to
21 deport somebody in a timely manner. And then we
22 attend regular meetings about these detention
23 standards because that is the big thing in DRO
24 right now is there's been a lot of media and a lot
25 of attention given to detention standards by ICE

1 and immigration as a whole.

2 Other cooperation, sometimes we
3 participate with the US Attorney's Office on the
4 Anti-Terrorism Advisory Council, and I'm sure OI
5 probably does that as well. We attend regular
6 meetings with the FEB, the Federal Executive Board,
7 which is basically a partnership. If you're not
8 aware what the FEB already is, partnership of all
9 federal agencies outside of Washington to give a
10 forum for local agency participants, with the focus
11 being on safety, and they also have outreach as far
12 as contributing to the CFC, Combined Federal
13 Campaign Fund, and various local endeavors.

14 Not for profit. I'm just going to -- I
15 know Brian mentioned some of this because we attend
16 the same kind of agencies or we cooperate with the
17 same agencies, but he mentioned BRIDGES. We
18 regularly attend meetings with BRIDGES and will
19 continue to do so. We do meet with AILA, American
20 Immigration Lawyers Association to discuss current
21 changes, law, policies that would affect public.
22 There's the ALPACT that my partner Mr. Slonac was
23 talking about. ALPACT, which is a community based
24 coalition which was created to provide a platform
25 between law enforcement and the community. And

1 then at their requests we attend various other
2 meetings.

3 This by no means is all encompassing.
4 On different occasions we've, say in Ohio for
5 instance, we've attended or met with Somalia
6 community leaders about concerns during their
7 Annual Somali Youth Summit in Ohio. We've met with
8 Hispanic community leaders at their request to
9 discuss some of these enforcement actions, like
10 Brian said, where there's concerns about profiling
11 or use of force issues. We work really well. We
12 have a public affairs officer, Khaalid Walls who
13 was happy to work with us on a lot of this
14 outreach.

15 We work with embassies and consulates.
16 Sometimes we attend informal luncheons. Sometimes
17 we're invited to Christmas parties. So that's to
18 kind of, in furtherance of our increased relations
19 and cooperation, we need them, you know, in our
20 line of work I hate to say where we detain a lot of
21 people, but that's something that's needed. We're
22 in frequent communication with the embassies and
23 consulates to increase our efficiency on removal
24 cases so we're not detaining people for an extended
25 length of time or holding people.

1 Recruiting efforts, I also throw in for
2 those people that would like employment with ICE
3 DRO, our recruiting efforts as far as college and
4 job fairs, we attend those fairly regularly.
5 College universities, we attend state and job fairs
6 periodically. Website also, the ICE public website
7 provides information under frequently asked
8 questions about the jobs in DRO and the roles, and
9 then we also sponsor an internship program for high
10 school and college students aimed at developing
11 office and communication skills for their career
12 development, and we currently have two interns that
13 are working out real well.

14 And that was a low down, dirty, quick
15 and dirty PowerPoint, so I'd be happy at the end to
16 answer any question as well.

17 CHAIRMAN PURCELL: Thank you, Mr.
18 Jacobs. We have quite a few questions. Everybody
19 seems quite engaged in this one, so I'll call them
20 in the order I've captured them. First Ramon
21 Barquin.

22 MR. BARQUIN: Thank you very much to all
23 three of you. I thought that that was very, very
24 interesting, and yesterday we had the opportunity
25 to hear primarily from some members of the Arab

1 American Community. It was very interesting, first
2 they were quite pleased with the interaction that
3 they had with the leadership of USCIS and ICE. On
4 the other hand, they did have a number of issues
5 that we heard specifically about, the NSEERS issue
6 and issues related to reviewing naturalized
7 citizens and their status and things like that.
8 What I would like to understand is if we want to
9 talk to other communities of immigrant groups, you
10 know, Hispanic communities, the Haitian community,
11 Canadians, you know, what type of issues do you
12 think they would bring up and what are you doing
13 about those?

14 CHAIRMAN PURCELL: Sure. Pardon me just
15 for a moment, and if I may in answering your
16 question, if you could give us a sense of the
17 breadth of types of communities that you work with
18 it would be helpful as well. We don't, you know,
19 as non-residents of the Detroit area we want to
20 make sure we understand that there's more than just
21 the few communities that we've been able to hear
22 more about, so the breadth of the religious and
23 ethnic communities would be interesting to
24 understand as well.

25 MR. SLONAC: Right and that's a very

1 good point because generally when we get a call
2 from, for example a group of imams, they're
3 concerned about we've arrested, we've put some
4 community member in removal proceedings or somebody
5 is imminently going to be removed, there's an
6 outcry that they want to sit down and talk, and
7 occasionally that does happen. It gets fairly high
8 profile, so we'll make an effort to go out and
9 speak with them, but what each group, whether it's
10 Hispanic, whether it's Lebanese, whether it's, you
11 know, anything in general, all feel across the
12 board that we are disproportionately targeting
13 their particular group, and that's why we like to
14 meet in groups where we'll have our Detention
15 Removal Operations people with us, and we'll talk
16 about percentages and let the Arab community know
17 that really they only comprise five percent of the
18 removals in the whole United States and though
19 their problem may be very important to them, that
20 we basically don't have the luxury of targeting any
21 specific group or profiling any specific group, and
22 that we get these inquiries from everybody from
23 Canadians to Eastern Europeans. You know, we have
24 groups in this area which have a higher population
25 base than maybe in other areas so we do spend

1 probably a disproportionate time dealing with the
2 Arab community for example. But the Chaldean
3 community, again, very active, very involved, but
4 comprises a very small part of our actual removals
5 in the big picture. So we deal with many of our
6 Hispanic community groups, Mexican, South American;
7 there's far more removals than there would be for
8 Albanians or Chaldeans, and most all will have the
9 same issues. Some specifically geared towards
10 their particular groups, but always naturalization
11 is a big one, why does it take so long, what's the
12 process, what do we do if our case gets tied up
13 with some type of redress issue where we can't --
14 we tend to deal with the same, FBI fingerprints are
15 taking too long; we can't move the naturalization
16 process along, or what do we do to initiate a stay
17 of removal to keep this person or group of people
18 from being removed from the United States. Those
19 are the types of things that we deal with over and
20 over as well as we tend to have a lot of questions
21 regarding how do you target the people that you
22 arrest, and how do you facilitate those arrests?
23 You know, we hear things about, you know, coming,
24 showing up in black vans with groups of agents in
25 ninja gear and making arrests at homes and then

1 moving from one home to the next. You know, these
2 are things that simply don't happen. We're
3 required to do operational plans. We do vetting
4 with other law enforcement before we do any kind of
5 targeted arrest, but it's good for us to be able to
6 explain that to the groups, and they all have the
7 same concerns, so I hope that's answered your
8 question a little bit.

9 MR. BARQUIN: Well, on one issue which
10 is the redress process, there seems to be maybe a
11 little bit of a disconnect between the overall
12 systemic redress principles, policies as laid out,
13 you know, from DHS or from, you know ICE or CBP
14 Headquarters, and the direct effect of the local
15 level, what happens? For example we heard both
16 from some of the members of the Arab American as
17 well as from of the CBP Chiefs yesterday that yeah,
18 they do have situations where they have again and
19 again and again an individual coming through that
20 does create a situation that may be a false
21 positive, but they don't get the redress process
22 resolved, and yes they do have to follow the
23 protocol and the procedure and, you know, three,
24 four, five times until or if it actually gets
25 resolved, so how do you see that, and is there

1 something that you can do to help close that gap
2 between the local and the headquarters?

3 MR. SLONAC: Well I certainly will admit
4 that that's a problem and has been since Watch List
5 and other things were developed, and part of the
6 biggest problem is that we don't have control of
7 those lists. The FBI, State Department, TSA, us,
8 you know, various members of the Intelligence
9 Community, the lists are so, they're extensive and
10 admittedly some parts of them are outdated.
11 There's been a lot of effort made to improve those
12 lists. A lot of names have been removed. A lot of
13 names that probably should be removed are in the
14 process of being, but it's a difficult process when
15 not one single agency has the authority over those
16 lists, so when we get a person making an inquiry to
17 CIS for example on their naturalization process
18 asking why it's been four years and they're still
19 in the process and they haven't cleared
20 fingerprints yet, you know, it's not really a CIS
21 function. They've done what they can do. The FBI
22 or another agency still has some part of an open
23 matter related to that, but for the customer the
24 client who's asking the question, we simply don't
25 have the best answer to give them, you know, and I

1 know improvements have been made, I know TSA and
2 Mr. Ball will probably talk about this later, has
3 done a very good job of making improvements to the
4 redress process, but you know, we need to do the
5 same in the State Department with the FBI, with us
6 to do a better job admittedly.

7 MS. GREENE: And I'd like to share that
8 some of the people that we have identified as
9 stating that they have a problem, they will go from
10 agency to agency, and I'm just being really honest.
11 They have said they have received a letter of
12 follow-up that has redressed their situation. They
13 will not necessarily take that information to the
14 next group that they're complaining to, so that is
15 a serious problem. By working with a variety of
16 organizations I have the opportunity to see people,
17 because they're going to send us letters that say
18 we spoke with Mr. Da-da-da-da-da and number da-da-
19 da-da, and I can go through inquiries and find that
20 15 different people over a three year period have
21 received that same concern from that person, and
22 then when I ask, you know, everybody who leaves our
23 office receives some kind of information on a
24 letter, a piece of paper that pretty much states
25 exactly what is going on, and even after they leave

1 they may receive, like right now people are
2 receiving letters that say we're still working on
3 your information, so sometimes that can be the
4 problem because I know definitely in USCIS we're
5 trying to redress, follow-up with everything that
6 people inquire from us, but again some of the
7 information cannot be cleared up. The security
8 situation for example as Brian has stated, there's
9 just nothing else that we can do. You've got to go
10 by the policy and procedures that are in place.

11 Also the lack of knowledge from the
12 people who are applying, someone else may have
13 applied for them, but they have not, they
14 have a lack of knowledge of what all they might
15 have needed, so it depends on who has done their
16 paperwork; that's a factor in it. It can also, a
17 lack of knowledge about the process or something
18 that people really want to believe that they should
19 get if it's, you know, if it's the right -- the
20 person with the right information, everything that
21 they need, they're going to benefit from it, but a
22 lack of knowledge is really on the community, and
23 that's what we're trying to do now is educate as
24 many people as possible because that's really
25 important for us so that people know what they need

1 to do.

2 CHAIRMAN PURCELL: Thank you. With
3 seven cards up and way past our schedule already,
4 with precision and concise questions, Mr. Sabo,
5 you're up next.

6 MR. SABO: Thank you. For all of you it
7 seemed one of the themes that came out of
8 yesterday's meeting with the two groups were a bit
9 of what you said, Ms. Greene-Janvier about sort of
10 a kind of rolling complaint issue, but the naivete,
11 they're representing their community, et cetera,
12 but what I also took from it was the fact that
13 there's no systemic integrated quality reporting or
14 analysis going on across the agencies with respect
15 to documenting. For example, there could be
16 situations where someone is targeted in one of,
17 either it's CBP or ICE and it turns out to be a
18 false positive and there's an investigation and
19 it's a big inconvenience, we see a lot of raw data
20 outputs, in other words how many removals we've
21 had, but what are issues like case processing
22 times, case processing which result in an
23 individual being released, quality of the
24 investigation in the file? And we didn't get a
25 sense, or I guess I'm really asking if, A) you see

1 value in this kind of data collection which would
2 to some degree have privacy implications, which is
3 the role of our Committee here and so on, but do
4 you see the need for such data collection; is it
5 possible to look at this systemically across your
6 Agency; and do you see any value in having someone
7 serve kind of an integrating role where a case
8 falls off the map? As you just said, because it's
9 not your jurisdiction but some other, whether it's
10 the Watch List nominating agency or someone else
11 really needs to take a look at a particular
12 indicator, and if the person is innocent get that
13 person off a list. So it all seems to be tied
14 together, yet I don't see any integrated approach
15 to this, and I'm wondering if you had any thoughts
16 about, A) is it achievable, and B) do you do that
17 now, and is there any quality review of the work of
18 the personnel who have these very difficult jobs?

19 MR. SLONAC: I can speak to just for at
20 least the investigation side of the house that over
21 the last, especially last couple of years data
22 quality management has become a big issue for us.
23 We've received mandates down through the department
24 through our Agency for specifically how they want
25 case reviews done for us, how often, who has to

1 look at the case. We have audit teams come out.
2 We just had one come out a couple of months ago.
3 They looked at random samples of our investigative
4 casework as well as everything else that we do,
5 basically everything from how we store evidence to
6 how we do our firearms qualifications, and they did
7 an overall audit with recommendations, what needs
8 to change, what we're doing well, and what best
9 practices are that we're using, and then this is
10 being done at every office throughout the country,
11 at least for the Office of Investigation. So
12 whether we'll see, you know, specific data
13 generated or whether it will come back to us on
14 what we need to do better, at least processes are
15 in place. They are making an effort to make us do
16 a better job.

17 MS. GREENE: And for USCIS there is a
18 quality assurance process that is now in place to
19 identify officers who may have, where cases may be
20 backlogged and moving those up. There is a review
21 process in place, but there is also for the
22 customers now what is called InfoPass where people,
23 two things -- well InfoPass and then the online,
24 checking your case status on line, but the InfoPass
25 actually gives people an opportunity to make an

1 appointment and come in and speak directly with an
2 Information Officer about their case. They can
3 also call the 1-800 number and ask for an SMRT,
4 which is a way to have the case followed up or
5 investigated at the local level with the
6 Information Officers. So if a person comes in
7 directly to the Officer, makes the appointment on
8 their own time, they schedule their own time, they
9 have an opportunity to speak with an Officer who
10 will pull their information up on the computer, and
11 if it's not enough information on the computer,
12 they will order their file and have them come back
13 within a 30 day period of time and discuss their
14 situation with them. If by chance that was a case
15 that had been found in the gap, then it will be
16 completed, but they will receive an answer through
17 InfoPass.

18 If it's pending, however, and it has to
19 do with another agency, then all they can say to
20 the person is that it's pending. They can't, you
21 know, give any more information than that, so we're
22 limited with the information that we have as well as
23 with a number of personnel. For citizenship
24 applications right now though, they're being
25 completed anywhere from six weeks to six months, so

1 that's moving very fast.

2 MR. JACOBS: And just quickly I just
3 want to add on to what was said here that DRO,
4 there seems to be an emphasis on the data quality
5 and we've seen it real prevalent in the last few
6 months. DRO, as well, there are monthly reports
7 that go out, you know, regarding average case
8 processing time, average detention broken down.
9 Our detention times are going down a whole lot.
10 We have yearly internal inspections where somebody
11 from our headquarters will come and pick out 100
12 random cases, go through those cases to make sure
13 everything is done in accordance with policies,
14 procedures, and laws. So I just wanted to add that
15 quickly.

16 CHAIRMAN PURCELL: Thank you. I think I
17 speak for the Committee when we encourage strongly
18 data quality efforts. Those are some of the most
19 important parts.

20 Lisa, you're up next, please.

21 MS. SOTTO: Thank you, Richard. I'll
22 try to be fast. First I just want to applaud Ms.
23 Greene-Janvier on your customer service mentality.
24 I think that's really terrific, and I think we'd
25 love to see more of that.

1 One thing that I think must be
2 enormously frustrating to the immigrant community
3 or those seeking citizenship is that they hit one
4 component and then they don't get a complete answer
5 because they get that, you know, it's pending with
6 somebody else answer, and that's just got to seem
7 like an endless maze that they're enormously
8 frustrated by. I can only imagine the frustration
9 that somebody would feel. You seem to do a lot in
10 the way of sort of overarching education and
11 community relations, but is there somebody who can
12 act really as an ombudsman? Do you ever do that on
13 an individual basis? I know they can make
14 appointments, but do you ever serve as somebody who
15 ushers through a case from agency to agency to
16 agency or component to component? You know, we are
17 one big DHS now for good reason maybe, so it would
18 seem that you could cross components to get answers
19 from people.

20 And so if I may ask just a quick
21 question that's sort of apropos of that question to
22 Mr. Slonac, you keep statistics on removals so you
23 can show that there's not a disproportionate impact
24 to one community or another. It seems like those
25 statistics are only maintained in a vacuum for

1 particular purposes, but we're not keeping
2 statistics as a whole to John's question for
3 example on folks who were screened in airports, so
4 I'm wondering if you would see value to that so we
5 don't see certain communities being
6 disproportionately impacted? Compound question.
7 Sorry about that.

8 MR. SLONAC: Well on the second part
9 since I've got the mic in front of me, yes, data
10 quality, the more of it the better. It helps us as
11 well as gives us direction in what we need to do
12 better, so I don't think there can be too much of
13 that. I don't know exactly how the numbers are
14 recorded in the screening process. That would be
15 more of a TSA function. I'm sure Mr. Ball will
16 talk to that, but we are I know on the removal side
17 of the House they are very geared towards data
18 quality and they want those numbers. They want to
19 know where they're lacking, what they need to do
20 better, and then they'll develop things such as
21 JPATS flights, what are basically a flight that's
22 destined to one location that can take lots of
23 people from the same country at one time to
24 expedite the time that they spend in custody, for
25 example. Data quality helps us with that

1 type of thing. You know, do we need to recruit
2 more people who speak Spanish? Do we need to
3 recruit people that can speak Arabic because we're
4 dealing with a disproportionate number? You know,
5 those kind of things are very helpful to us.

6 MS. GREENE: Our District Director has
7 implemented in the Agency, in the District of
8 District 12 that people write me a letter and they
9 write him a letter. They email me, and then they
10 write me a letter. After, if they have checked
11 with InfoPass and they've checked with the 1-800
12 number, they've done all the processes that pretty
13 much people are required to at least have done,
14 then they write the details of it because that
15 means that's a case that might, that we consider
16 has dropped in the gap. He actually, I take my
17 email right away to the Supervisors. All the
18 Supervisors have a unit, so whatever kind of case
19 that is, I take it directly to that Supervisor.
20 The Supervisor has, and let me just tell you
21 because I've developed a relationship with the
22 Officers, they want to know if there's something
23 out there because they want their numbers to be
24 good. They want to know that they're doing a great
25 job, so they actually, the Supervisor will actually

1 assign that case to an Officer to look into that
2 case to see what is the problem, because there's
3 obviously some kind of problem, and they will work
4 on it. So that's our ombudsman effort. Let me
5 just tell you, if it doesn't get answered by a
6 certain time, I don't receive an answer, then the
7 Director has me come back to him, and I say have
8 you opened your letter? He's usually opened it,
9 and I say, you know, this hasn't been taken care
10 of. And so it's not like squealing on the
11 Officers' Supervisors, but sometimes they get tied
12 up, or it's just something they think is too hard
13 and that they can't get it done. Then he usually
14 finds that it was not a local problem. It may have
15 been something that was in the service center that
16 was not clear, and so the District Director himself
17 will get on the phone and contact whoever he needs
18 to contact. Like when you're talking about working
19 across agencies, sometimes I will contact Brian to
20 send something, forward something to him. I'll
21 forward a person. I'll let him know I'm forwarding
22 someone to him to take care of that, but the same
23 thing with Joe. So we all have a very good working
24 relationship.

25 If it's something that we cannot handle,

1 then our Directors in SAC's will step into it.
2 That's really what happened with Michigan and some
3 other stuff. When they see something that's with
4 regards to a policy or something that has dropped
5 out of the box that is affected, a case that is
6 affected by us all, but we do work with our local
7 officers that are in our offices as well as with
8 each other.

9 CHAIRMAN PURCELL: Thank you. Again
10 with great encouragement for precision. Next,
11 Charles Palmer.

12 MR. PALMER: Thank you. Cyber security
13 and privacy issues are just everywhere, and so it's
14 not surprising to hear that ICE is pursuing cyber
15 crime investigations. To that end, how do those
16 investigations fit within the larger collection of
17 investigations done by the US Secret Service and
18 the FBI?

19 MR. SLONAC: You know, we actually have
20 a Cyber Crimes Center out of our headquarters that
21 does a lot of the vetting for us. We also work in
22 task force groups and individually with those
23 agencies on a day to day basis. For us we try to
24 keep everything we do localized to an international
25 nexus if we can, and I know that with cyber crime

1 that's a bit broader since it has, the internet is
2 so wide reaching, but if a case doesn't appear to
3 have a true international nexus, then oftentimes
4 we'll pass it off to another agency and let them
5 work it. They'll do the same with us if for
6 example a case has international ties it's easier
7 for them to pass it to us to work certain cases,
8 and everybody has the same end goal especially in
9 those types of cases, so we're very fortunate that
10 we have good working relationships with those
11 agencies and we can kind of back and forth with our
12 cases as we need to. That's too precise. Sorry.

13 CHAIRMAN PURCELL: Thank you. I
14 appreciate that.

15 And Neville next, please.

16 MR. PATTINSON: Thank you, Richard.
17 Three questions, very quick ones: first for Ms.
18 Greene-Janvier, regarding the comments about
19 reprisals, the people thought that they may be, you
20 know, brought into them on the basis of
21 complaining. I was wondering what mechanisms that
22 you've been able to do to communicate out to the
23 community leaders, to the community members about
24 the fact that they do have rights and there are
25 processes and procedures that can protect that?

1 That's the first question.

2 Second question to Mr. Brian Slonac,
3 have you seen any document fraud on EDL's or pass
4 cards yet? I know it's early days for them coming
5 out, but have you seen any? That would be
6 interesting.

7 And third question very quickly to Mr.
8 Jacobs, we heard from the community folks that we
9 met with yesterday about the black vans arriving
10 and doors being busted down and people being
11 arrested and so on, what is the criteria that
12 creates that show of force? Is there a particular
13 set of circumstances that creates that requirement
14 where the community leaders are basically saying
15 this doesn't do anything for our relationships, and
16 that, you know, the compassion, a bit of respect
17 would help. So I was wondering what criteria that
18 was, so those are the three questions. Thank you.

19 MS. GREENE: Why don't you go first.

20 MR. JACOBS: All right, I'll respond
21 first to the last one I guess. I guess the persona
22 or the misconception that ICE breaks down doors on
23 a regular basis or shows up in full riot gear or
24 SWAT gear is inaccurate in most cases. Most of the
25 time, and I don't want to go into procedures, per

1 se, or policy and procedures or law enforcement
2 sensitive information, but most of the time we are
3 serving administrative warrants, and busting down a
4 door is not warranted or allowed under the law for
5 us. In extreme cases where we would break down a
6 door, that would be on a criminal process, and we
7 do occasionally get federal arrest warrants or
8 criminal warrants if so needed, but as far as going
9 I guess any further than that, I'll just stick with
10 that statement right now. I hope it answers your
11 question.

12 MR. PATTINSON: Yes, thank you.

13 MR. SLONAC: Again, as far as have we
14 seen from the more secure newer documents and
15 fraudulent, I probably shouldn't get into that too
16 much in this venue. They are being reproduced but
17 they're very secure documents I guess would be --
18 so far they've held the test pretty well, but I
19 probably in public venue shouldn't talk too much
20 more about that.

21 MS. GREENE: In terms of reprisals, one
22 of the things that I found is that I need to ask
23 the organizations or anyone who's making that claim
24 some questions, and one of the first questions I
25 ask them is specifically did this happen to someone

1 you know specifically, what exactly happened, and
2 can you write that down? What I found is that they
3 cannot tell me who the person is, it's something
4 that they heard, so it was a rumor, and this gives
5 me an opportunity at that point to talk about our
6 process and to help them come to truth about the
7 matter because a lot of times they're the heroes in
8 their communities. The little organizations, they
9 are the heroes. It's where everybody goes, and it
10 keeps them in a job. It's not much, but they love
11 what they do, and let me just tell you, many of the
12 people who run the non-profit organizations are
13 attorneys that have given up being attorneys in
14 order to be advocates. I mean they truly love the
15 community and love what they're doing. So any of
16 the rumors that come in they immediately act upon
17 them. So what I've done as well as the District
18 Director, and we now have our Officers also
19 attending these meetings, we're building trust so
20 that, it's a trust builder so that we're asking
21 them to be honest. We are also being honest, and
22 we're convincing not only the organizations that
23 there are no reprisals, and in fact let me just
24 tell you, Mick Dedvukaj was saying to someone, if
25 there is any problem out here and you feel that it

1 was a reprisal regarding your case, get that to me
2 and let me look at it, because he's going to still
3 support the staff. We have to support the staff
4 that we're working with, but one of the things that
5 we're finding is that the reprisal, it's just the
6 fear that people carried around for many, many
7 years. It came out of the old INS. There were no
8 reprisals, and there might have been, don't get me
9 wrong, but what we're finding is that the people
10 who are bringing this information up at this time,
11 it might have happened in some story that they were
12 told, and now it doesn't happen, and we just showed
13 them that we can trust them and they need to trust
14 us, and write down details and make sure that they
15 follow the process, and it works.

16

17 CHAIRMAN PURCELL: Thank you. And with
18 118 seconds left, Lance, you're the last one.

19 MR. HOFFMAN: Thank you. My question is
20 all about data quality and statistics. Are there
21 statistics on InfoPass, how much is it used and
22 what kind of queries? Are there statistics on
23 where the information is, this issue, John has
24 talked about and Lisa, when it's at other agencies
25 are there reports on and statistics on where the

1 information on a number of cases pending at other
2 agencies and which agencies? Were some records
3 more at one agency than another agency? And
4 finally after a pending case that finally gets
5 resolved and you hear about it after a certain
6 amount of time, is that shared within DHS across
7 components or not? Are there statistics on why a
8 person or a person's laptop is selected for
9 secondary screening or seizure? And finally,
10 related to all of these statistics questions, who
11 are these reported to and when? Within DHS, inside
12 of DHS, outside of DHS to the Federal Government or
13 to the communities?

14 MS. GREENE: You want me to go first
15 this time? Okay. For InfoPass there are
16 statistics, and the statistics are reported by a
17 Supervisor at the local district offices, and the
18 numbers are sent to Region and eventually they do
19 reach the USCIS at a national level. I'm not sure
20 where they go from there, but I do know that there
21 are national statistics. Just about everything, we
22 actually have a statistical guide. And in terms of
23 our cases pending, the same thing; how many
24 naturalizations we've had, how many backlogs,
25 that's what we call the cases pending, those

1 numbers are clear, and there is data to report
2 those numbers. I can find out exactly and get that
3 information back tomorrow if that's okay with you.

4 MR. HOFFMAN: Yes, please.

5 MS. GREENE: Okay. So I'll do that.

6 MR. SLONAC: And then in relation to
7 seizures at the border, again that would probably
8 be more of a CBP function, but I can probably
9 answer to that since, like us, we're very data
10 driven. There's pretty much an electronic record
11 made of everything that we detain, seize, every
12 case we initiate, how those types of data are
13 shared at the Department level, I don't know. I
14 can't answer that question, but I do know that
15 anything, any enforcement action we take is
16 documented electronically as part of our case file.
17 CBP would have to create a record of it
18 electronically as they do it too, but specifically
19 if you wanted data on why or how something is
20 seized, that may be a bit more difficult, and I
21 probably can't answer that. Maybe CBP can later.

22 CHAIRMAN PURCELL: I want to thank our
23 initial panel this morning for your answers. Quite
24 a sweeping set of questions and answers and
25 revelations. Very helpful to us. Thank you very

1 much for your presentations. We're going to take a
2 short, short, short break right now. Just enough,
3 five minutes. Please be back in your seats at
4 seven minutes past the hour, and we'll continue on.
5 Thank you very much. If there are members of the
6 public that would like to address the Committee
7 later there's still time to sign up at the table
8 outside this room. Thank you.

9 (At 11:06 a.m., off the
10 record.)

11 (At 11:12 a.m., proceedings
12 resume.)

13 CHAIRMAN PURCELL: Thank you for
14 returning promptly. Keep in mind that cell phones
15 still remain in silent position and any members of
16 the public who would like to address the Committee
17 can sign up at the table outside of the room.

18 I'd like to welcome the second half of
19 our panel today. Our panels include Robert Ball.
20 He is the Federal Security Director for the
21 Transportation Security Administration at Detroit
22 and was appointed Federal Security Director at
23 Detroit Metropolitan Airport in February of 2004.
24 He's had a career of more than 20 years in the
25 airlines prior to that appointment, and he currently

1 leads Federal Security Operations for the Detroit
2 Metro Airport and oversees Federal Security
3 Employees directing Federal Law Enforcement
4 activities throughout the airport in coordination
5 with all of the local authorities.

6 I'd also like to welcome Ronald Smith,
7 Chief US Customs and Border Patrol Officer in the
8 DHS Customs and Border Protection's Detroit Field
9 Office. Chief Smith is responsible for all of
10 Michigan, and serves as the Public Affairs Liaison
11 for the Detroit Office of Field Operations,
12 responsible for representing CBP to local news
13 media, the traveling public, and others. He's one
14 of 26 uniformed public affairs liaisons representing
15 CBP to the media in the United States. He is also
16 responsible for developing and implementing
17 outreach plans to inform external and internal
18 audiences about specific initiatives of the agency
19 to coordinate media briefings, tours, radio and
20 television appearances and editorial boards. So
21 we'll start with Mr. Ball if we would. Thank you.

22 MR. BALL: How's that? Good morning
23 every one. I'd first like to say thank you, and
24 apparently I have a lot of questions already,
25 because Brian left me with a few from his

1 presentation. I'd be happy to address those. I
2 also apparently am the one boss that didn't realize
3 that this was a delegatable task, so I'm actually
4 here today and I actually am the boss, but we'll go
5 brief because I think what, just as an audience
6 member I found it fascinating some of the questions
7 and the understandings that you're trying to gain,
8 so I very much appreciate this opportunity to
9 present the TSA piece of this, and it is quite
10 localized, but I think you'll see the tie in has
11 some national impact, and I think that I'll also
12 have the opportunity to bring a little bit of
13 closure or tighten the knitting a little bit on
14 this interagency piece here, because that seems to
15 be an underlying theme, and I think we have a
16 couple of really good examples that show what the
17 DHS components are doing here locally in Detroit.
18 That's right, I even have the technology here. So
19 that's why we're here of course.

20 Local efforts, and you've heard about
21 BRIDGES from each of the presentations, and I think
22 that is significant because it is a very large
23 community representation group here in the local
24 area and very important to all of the DHS
25 components, and we are regular members, we are

1 regular members with senior leaders, and we are
2 regular participants in the issues that come up in
3 BRIDGES, so that's why it is prominent throughout
4 all of these presentations today.

5 And I think also mentioned but I didn't
6 offer on my side is the Federal Executive Board,
7 which again is an important piece because it is
8 Federal Agencies, not just DHS components, and
9 while there are some common themes, and the
10 Combined Federal Campaign is certainly a big part
11 of the work that the FEB does, we also talk about
12 community issues and bring forth issues in our
13 organizations for a greater understanding from that
14 whole federal community.

15 And then aside from that we also in this
16 area have a DHS leadership meeting more informal,
17 but it is the SAC of ICE and the captain of the
18 United States Coast Guard and the Federal Security
19 Director, and the Chief person with CBP, and we
20 come together and it is informal in one nature, but
21 that's why we can do some of the cross
22 organizational reach-outs when we need to
23 particularly as from the previous panel when
24 there's an issue inside I have contacted the Port
25 Director at CBP when an issue is brought to my

1 attention that I needed some of their help and
2 support, and I've, you know, those phone calls have
3 gone the opposite way to me when someone's raised
4 an issue that they thought had occurred at the
5 airport, and the same with ICE and DRO. So for one
6 piece, please take away the knowledge that there is
7 a formal piece in some of these organizations, but
8 there's also an informal one that is relationship-
9 based, which I think you heard even from some of
10 the panel members about when they're reaching out
11 to the community individuals from complaints, it is
12
13 that relationship piece that really works to solve
14 some of the problems.

15 We also participate in job fairs in the
16 area, particularly when we are requested, but when
17 we have advanced notice we volunteer. There's
18 diversity reflected in our hiring that you'll see
19 when you get to the airport. We have the pleasure
20 later of spending a little bit of time at the
21 airport with a group. And then we also in the
22 religious community, certainly as Brian mentioned
23 with direct reach-outs to us from imams. We also
24 have that from other religious affiliations for
25 large groups that are transiting in and out, but

1 also for VIP's within those religious communities,
2 whether it be the Archdiocese of the Catholic
3 Church in Detroit or the Greek Orthodox Church, et
4 cetera, we are well known and the contacts are made
5 where they reach out to us and ask for specifics or
6 with handling of their special religious artifacts
7 and how will that be screened, et cetera, et
8 cetera. So that I only can measure by the fact
9 that they reach out to us because that's not a
10 group where there's regular meetings that we attend
11 because of the diversity of that, but certainly
12 it's demonstrated in that they reach out to us.

13 Nationally I think just important to
14 note, though this is targeted for Detroit, is that
15 there's a great deal of employee training, and I'll
16 show you some specific training that speaks to the
17 topic of our meetings today. We do have standard
18 operating procedures within our organization that
19 are based on valued feedback. We started a huge
20 campaign and blog over the last year and using the
21 old familiar "Got milk?" with a mustache writings
22 have got feedback, and that feedback goes into,
23 it's received daily and then it's directed
24 specifically to the airport if it's mentioned for
25 follow-up by the leadership there.

1 We of course have our TSA website which
2 I think you'll find really is a big part of our
3 community outreach and I provided some examples
4 today. Of course DHS TRIP portion that's mentioned
5 in the other panels, you know, I have personal
6 experience working with community members and
7 certainly through BRIDGES that it does work, and
8 there is a way to get resolve, and we certainly
9 promote that at not only that that venue but
10 others, and we have material that's available on
11 that, and then lastly touch just briefly on secure
12 flight and what we see coming down the pike on
13 that.

14 As far as training, I gave you a few
15 examples here, as basic as introduction to Civil
16 Rights, which all TSA employees take, and I do on a
17 recurrent basis each year as well as the Federal
18 Security Director and everybody in between us, also
19 introduction to Arab American and Muslim American
20 cultures for DHS personnel, and then two that were
21 developed that we take on an annual basis, one On
22 Common Ground with the Sikh Awareness for law
23 enforcement training, and then also the first three
24 to five seconds Arab and Muslim Cultural Awareness
25 for law enforcement. Those are training classes

1 that are loaded online for us. They include video,
2 they include discussion, and then they include
3 testing inside of it, and as you know from my
4 background a more than 20 year airline employee,
5 and airline employees go through a lot of training
6 throughout their career, I can tell you without
7 hesitation it's some of the best training that I've
8 been through as an Executive or as a front line
9 employee in all of that career. I'm extremely
10 proud of the efforts at TSA -- bless you; I can't
11 help it -- with the efforts TSA has put together to
12 train employees and make them aware of cultural
13 differences.

14 As far as traveler support, I'm going to
15 kind of launch into it, and for those of you that
16 can actually see the screen, you know, www.tsa.gov,
17 and I use this, you're going to see this is the
18 balance of my presentation now because I think it's
19 one of the outstanding examples of how we've
20 reached out. Now granted, you must have access to
21 the internet, and we know that that, while five
22 years ago that was more difficult than it is today,
23 but you know, five years from now we won't even
24 mention it in presentations. I don't think it will
25 be so common, but certainly the community groups

1 that we do work with have access, and we use this as a
2 primary source of information and in many cases to
3 help them answer questions in the community. But
4 in this particular case here, it's actually kind of
5 nice that the Detroit Metro McNamara Terminal is
6 the front page picture on TSA.gov. I don't think
7 we did that in honor of your visit, but you know,
8 it's actually there. But there's a section called
9 "For travelers," and I've circled it at the top
10 there, but when you click on that very specifically
11 it comes to the next page. You can find out about
12 the liquids and you can find out about, you know,
13 what ID you have to have, et cetera, but you also
14 can click on an area called religious and cultural
15 needs, and so from that, and from a quick click on
16 to that position you can then get some information
17 that we provide to further prepare the traveler and
18 really give them information on what they might
19 expect at the airport. In this particular case the
20 page that I, I didn't put all the information, but
21 loose fitting garments, head coverings, and then
22 religious, cultural, ceremonial items, how can you
23 expect the TSA to deal with that and what do you
24 need to do, and should you talk to us about it
25 first, et cetera. So we, particularly with

1 BRIDGES, ADC, when I receive a inquiry one of the
2 first things I'll do is go to the website and see
3 what information we have available there because in
4 addition to just the information, in many cases and
5 places we'll have brochures, we'll have fliers;
6 things that are ready to print, bring down, and
7 that they can utilize in community meetings, job
8 fairs, general sessions of their Executive Boards,
9 et cetera.

10 In the next I just want to touch briefly
11 on secure flight. Again, another example of how we
12 try and get that information out because it comes
13 with its own frequently asked questions so that we
14 can anticipate some of that, we gather those
15 questions, but we put them up so that they're
16 available and try to give some of the, particularly
17 in our community with DHS TRIP we had a whole group
18 from Headquarters that came out, it's a year and a
19 half to two years ago to address the BRIDGES group
20 just on how this process works, and it was a
21 gentleman that actually works for Mrs. Kimberly
22 Walton who is a special counsel out of our
23 Headquarters here in the audience. James Kennedy
24 gave a great presentation on the use of his own
25 name and how that might be on a watch list, and the

1 fact that even he, until he appears at that airport
2 and produces identification that shows he's this
3 James Kennedy is just a name until he arrives
4 there. So, A) that was very helpful I think in the
5 community and we saw the amount of complaints or
6 inquiries really reduce as a result of that, and I
7 think use of the program, although I anticipate the
8 question, and now I am sad to say I cannot tell you
9 how many cases have been put forward to DHS TRIP
10 and been resolved, but I saw personally a very
11 large reduction in the community and the inquiries
12 I got directly from some of those particular
13 organizations.

14 And really, the Public Awareness
15 Campaign, the final piece is again where I think we
16 do a good job, and the demonstration slide there is
17 really kind of like the James Kennedy that the top
18 you see five people of different shapes and colors
19 and sizes, and the next slide shows that there's
20 something common about them, they're all Alex
21 Johnson, but then when you sort it to Alex Johnson,
22 female, it gets a little smaller and Alexander
23 Johnson, female a little bit more smaller, and then
24 finally when you put in a date of birth there,
25 that's the person, and the whole point of secure

1 flight is to take that list that includes names
2 that there is an interest, and a legitimate
3 interest in particularly the no fly, and remove
4 those people that don't need to be on there once we
5 have that type of information, and you can see even
6 from some of the documents in there they have
7 opportunity at time to include their redress number
8 so that there's a wider knowledge of who it is, and
9 secure flight just as a close out to it is really
10 the take over of that vetting from the air carriers
11 where it's sat for quite some time and put into the
12 hands of TSA. And just a minor correction, we use
13 the list, we don't manage the list. We don't add
14 to the list, we don't subtract to the list. There
15 are nominating agencies inside the Federal
16 Government, most notably the FBI that have the
17 authorities in power to nominate -- I guess the TSA
18 Administrator to be absolutely correct could
19 nominate someone I think, but it's not our primary
20 function. We use the list of that traveler, so
21 thank you.

22 CHAIRMAN PURCELL: Thank you, Mr. Ball.
23 Chief Smith, one quick moment. If I may ask if we
24 have any sign-ups for the public comments or if you
25 could just discover that for me. We want to

1 provide as much opportunity for interaction with
2 our panelists as we can.

3 Chief Smith, please.

4 CHIEF SMITH: Good morning. Good
5 afternoon, or close. Thank you very much for
6 inviting us here. On behalf of Director of Field
7 Operations Chris Perry who is my ultimate boss here
8 locally, I thank you for having us here.

9 A couple of weeks ago when my boss
10 walked into my office and said, "Ron, this is right
11 up your alley, can you do it?" And I, being a good
12 employee, said, "Of course I can, sir," and then he
13 told me what it was, I put together our Power
14 Point, and that was before I realized that your
15 group was actually going to spend a day at the
16 Detroit Border seeing our operations there, and
17 since we're concentrating on the Detroit
18 Metropolitan area, I hope you enjoyed the tour of
19 the cargo facility and the passenger operations.
20 During the introduction it was pointed out that I
21 am a Public Affairs Liaison for the Detroit Field
22 Office. We are the Regional Office and we're
23 responsible for the State of Michigan. I set up
24 this PowerPoint to give you kind of an idea of who
25 we are and what we do prior to getting into the

1 outreach portion of it, so some of it I'm going to
2 be talking about for the first couple of slides.
3 You got a first hand taste of it yesterday.

4 The Detroit Field Office, our area of
5 responsibility is the State of Michigan. The bio,
6 it's always interesting to have an introduction
7 when you're the one that did your own bio and you
8 kind of go, "Wow, did I really say that?" I am a
9 Chief Customs and Border Protection Officer. What
10 that means is that I'm a middle manager, and if I
11 was at the border I'd be at the bridge or the
12 tunnel that you visited or the cargo facility, and
13 I would be responsible for the day to day
14 operations at that facility. As a Public Affairs
15 Liaison, I get to come out and talk to groups like
16 yourself, and that long litany in the introduction,
17 I get to do internal and external outreach to try
18 and get people aware of who we are and what we do
19 within CBP.

20 A brief history, four years ago this
21 position did not exist. Four years ago CBP had 11
22 non-uniformed Public Affairs Officers around the
23 country. Not everyone of our field offices had
24 one. They still don't have one in every one of our
25 field offices as far as the non-uniform person who

1 works for the Office of Public Affairs. I work for
2 the Office of Field Operations, the actual
3 enforcement side of the house at the border. The
4 Assistant Commissioner for Field Operations
5 realized that nobody knew who CBP was. And with
6 all due respect, Mr. Chairman, it is Customs and
7 Border Protection, not Customs and Border Patrol.
8 Border Patrol is my green-suited brothers who work
9 between our ports of entry, while I'm the blue-suit
10 that works at our port of entries, along with Air
11 and Marine Operations, the tan guys, we control the
12 border or attempt to. But that's our main problem;
13 nobody knew who CBP was. So at that point
14 Assistant Commissioner Hearn and Assistant
15 Commissioner Clemens from the Office of Public
16 Affairs decided the best way to remedy that problem
17 was to put a badge and a patch in front of the
18 camera. So they reached out to Detroit, Miami, and
19 Buffalo to the Directors and said, "Do you have
20 anybody who would be willing to do this?" And when
21 the three of us met each other in Washington for
22 our 28 days of training, we all discovered that we
23 all really wanted to do this job. Two of us are
24 actually still doing this job. The third
25 individual out of Miami went back to honest work,

1 as we like to say, at the bridge or the tunnel or
2 the airport. The other two of us, we've been
3 joined by 24 other uniformed Public Affairs Officers,
4 so there's 26 of us around the country. A couple
5 of those people have thousands of collateral duty
6 officers helping them. I actually have five here
7 in the State of Michigan myself that we just
8 created within this last year, and our job is to
9 represent the Agency to both internal and external
10 audiences.

11 For those of you that can see the slide,
12 within this area it is the State of Michigan. For
13 within field offices, that is not a huge area.
14 That's not a list of all the airports that we
15 service. It's not a list of all the ferry
16 crossings because we actually have a truck ferry
17 here in Detroit that isn't on the list, but it is
18 an idea of the type of business that we do out of
19 our field office.

20 Specific to the Port of Detroit, well,
21 we have three main border crossings here in
22 Detroit. We have the bridge, the tunnel, and the
23 cargo facility, and a lot of times people kind of
24 forget the cargo facility because it is co-located
25 with the passenger operations at the bridge. We

1 just happen to be the troll underneath the bridge.
2 We're also the busiest land border commercial
3 crossing in the country. We used to be able to say
4 that we averaged about 6,000 to 6,500 trucks a day
5 across our bridge. We're now down to about 4,500 a
6 day, 4,000-4,500, and that has to do with the fact
7 that 80 percent of what we have cross our bridge
8 has to do with the automotive community, and they
9 have gone through some rough times recently. When
10 I was putting this together, I asked for some
11 current numbers, and the program manager I talked
12 to actually with a smile on his face said we
13 actually hit 5,000 two days last month. So our
14 traffic is actually coming back up.

15 Along with that we also process
16 approximately 12,000 cars between the bridge and
17 the tunnel. Out of that, we're talking numbers in
18 the neighborhood of 22,800 passengers per day
19 crossing the border here in the Detroit area. Each
20 one of those is for my purposes a target for
21 outreach, because the best tool that I have at the
22 border, I have all sorts of technology now since
23 911. When you come through the bridge as you
24 probably saw yesterday, if you're carrying one of
25 the RFID enabled crossing cards, I have your name,

1 I have your crossing data, I've already checked
2 your car, the license plate for any activity that I
3 might be interested in before I ever say hello to
4 you. That technology has gone a long way towards
5 making us more effective and efficient at the
6 border. But, when I talk to you, I am representing
7 the government, the country, and my fellow Officers
8 to you as an individual. So that's where I say you
9 are my outreach. If you know how to cross the
10 border, I can take care of you at the border and
11 get you down the road without any hassle. If you
12 don't know how to cross the border, I can still get
13 you down the road without any hassle. It's just
14 going to take a few minutes more. So outreach is
15 very, very important to us because it allows us to
16 create that tool at the border that otherwise we
17 wouldn't have, and that's the educated traveler.

18 The last bullet on here, the last two
19 bullets, had to do with some of the reasons for
20 some of the less happy travelers that we may have
21 to deal with on a day to day basis. As you can see
22 our arrest numbers within the Port of Detroit over
23 the last 12 months are significant. You also have
24 a card that was given out that talks about a day in
25 the life of CBP. Those are across the country. So

1 as you can see based on the number of arrests that
2 are made on a daily basis within CBP, Detroit has a
3 pretty good share of that.

4
5 Our outreach activity specifically, Mr.
6 Aki, the Assistant Director for Border Security is
7 the person that I report to, and I am really happy
8 when I can walk in on a Wednesday or Thursday and
9 have him look at me and say, "Do you still work
10 here?" Because that means that I've been out doing
11 what I'm supposed to be doing, and I've been
12 talking to folks. Our mission is to sell the
13 Agency to the traveling public. We've discovered
14 that, and it might seem strange to put it this way,
15 we've discovered that the traveling public that
16 knows who we are and what we do understands why
17 things are happening, and if people understand why
18 things are happening, it makes it much easier for
19 us to have a conversation about difficulties at the
20 border rather than having an adversarial-type
21 situation.

22 Here in the Port of Detroit I have two
23 Collateral Duty Public Affairs Officers who are
24 starting to get their feet wet, and I'm happy with
25 that because between January of this year and the

1 end of April I got to take part in approximately 46
2 outreach activities which had me going out and
3 talking to people. Now I realize the topic of this
4 particular meeting has to do with ethnic and
5 religious outreach. If you look at the last bullet
6 on this slide it gives you the philosophy about
7 our outreach. We'll talk to anybody. I have
8 listed up there the fact that we've talked to the
9 North American Imam Association. I've done
10 outreach with the, I think the one I put up there,
11 I have it right in front of me, is the United
12 Methodist Men's Fellowship. I've also talked to
13 the Senior Fellowship of Lutheran Gentlemen in a
14 couple of places. I have the, let's say the
15 reputation in the office, if you have something
16 that you want to talk about that has to do with
17 CBP, I'll come up with a PowerPoint and I'll be
18 happy to come out and talk to you. I've done trips
19 to Traverse City. For those of you that aren't
20 aware of where that is, that's up by Mackinac
21 Bridge. I love those trips to go and talk to
22 somebody because that means I get an overnight
23 travel and I get to visit Traverse City. I've done
24 every Coast Guard Flotilla and Power Squadron Unit
25 within about an 80 mile radius of my office in

1 downtown Detroit. In this area, even with the
2 large ethnic diversity that we have, I'm unaware of
3 it because I do not talk to ethnic groups per se.
4 I talk to groups of people who are interested in
5 what Customs and Border Protection is all about.
6 It may be the three travel agents that I talked to
7 two, three years ago before the implementation of
8 WHTI in the air mode who were interested because it
9 was going to affect theirs. There was supposed to
10 be 33 but it snowed that night, and there were only
11 six of us sitting around the table, the three
12 travel agents, three of their kids, and myself; or
13 it could be at the US Coast Guard Division Fall
14 Conference in Sault Sainte Marie a year ago where I
15 actually had 60 of them in the room, or it could be
16 at the Ultimate Fishing Show in Novi, Michigan just
17 a little north of here where in a four day period I
18 gave out 2,500 Know Before You Go pamphlets and was
19 hoarse on the end of Sunday when I finally got to
20 tear down the booth because of all the interest in
21 Western Hemisphere Traveling Initiative and those
22 types of documents. Our outreach here covers
23 everything. Again I am willing to go out, and
24 fortunately I have bosses who are willing to have
25 me go out and talk to any group about anything CBP,

1 and the great thing is it's been a learning
2 opportunity for me.

3 Showing who we've gone out to, I know
4 college football has started up, and I'd hate to
5 start any rivalries in the room, but of course we
6 have Michigan and Michigan State in our great
7 state. I've managed to go to both places and talk
8 about things that before I got the request I didn't
9 know anything about.

10 Intellectual property rights.
11 Intellectual property rights are a big concern for
12 Customs and Border Protection. As a supervisor at
13 the cargo facility I was interested in intellectual
14 property rights, but I had my expert who could
15 handle that, and I could go to them and ask
16 questions. I had to own up on that when I went to
17 MSU to talk to a business class about intellectual
18 property rights, and I felt real good at the end of
19 it because I learned as much as they did before I
20 went to talk to them.

21 Four years ago the outreach within this
22 area was very limited, but that was because the
23 Officer that was responsible for this area was out
24 of Chicago, and she was responsible for Minneapolis
25 over to Buffalo down to St. Louis. The Agency has

1 gone a long way towards improving our outreach to
2 the community, the quality and the quantity. I am
3 very happy to be one of 26 Officers who are doing
4 this job for the Agency. We have conferences where
5 we get to go to exotic places like Tucson in the
6 middle of a heat wave so that we can brush up on
7 things, and all of my counterparts are extremely
8 active, and we are all very pleased that we were
9 allowed this opportunity. In this area, again,
10 Detroit we are probably the second or third busiest
11 when it comes to outreach. My counterpart in
12 Boston, Ted Wright, makes me look pale by
13 comparison because he's talked to, he's gone four
14 days out of the week and I just can't get the
15 travel funds for that, but that pretty much is our
16 outreach. It's ongoing.

17 Mr. Perry established a goal for me at
18 the beginning of this fiscal year that I had to
19 increase our outreach by ten percent, and at this
20 point in time in the year we're up about 13 percent
21 on the number of activities that we've actually
22 been involved in. And a little caveat here, I
23 don't include recruiting because even though,
24 because I am not a recruiter, although I realize
25 that when I put the uniform on I am recruiting, we

1 also take part in the job fairs and that sort of
2 thing as well around the communities, but I don't
3 count those because those are recruiter things, and
4 that's their turf.

5 Again, thank you very much for having me
6 here today to talk to you.

7 CHAIRMAN PURCELL: Thank you, Chief
8 Smith, and thank you Mr. Ball. We have some
9 questions. I'm going to take one slightly out of
10 order in order to put our token Traverse City
11 member who we have with us today up first. Larry
12 Ponemon.

13 MR. PONEMON: So I am the token Traverse
14 City, well, I am. I admit it. I am that token
15 Traverse City, but also Tom has a place in Lake
16 Leelanau, right? So he's almost Traverse City. So
17 two, can you believe that? So I'm a Michigander.

18 Well, the first thing is I'm going to
19 start with, I have a question -- firstly, thank you
20 both for your service to our country. You do a
21 great job, and as a frequent traveler through
22 Detroit Metro, I really appreciate the good work
23 that you do. I remember about two or three years
24 ago I was traveling and rushing to get a flight
25 back to Traverse City from Detroit Metro and there

1 was this guy in the line, you know, the TSA line,
2 and he was the worst possible traveler, he had all
3 the metal and everything else; but there was one
4 person and he had a religious artifact which was a
5 small sword. I swear to you. And I saw the people
6 at the TSA handle it so magnificently. I think a
7 whole bunch of us wrote those cards where, you
8 know, just to talk about how well it was handled,
9 so again --

10 MR. BALL: Mr. Chairman, I suggest
11 there's no time limit on this particular person.

12 MR. PONEMON: Yes, and I will continue.

13 MR. BALL: Unless there's a part two,
14 sir.

15 MR. PONEMON: No, there's no part two.
16 I think that you guys do a fantastic job, and I
17 think airports in general are pretty safe places,
18 but Detroit Metro is just fantastic.

19 MR. BALL: From my training, that person
20 probably was a Sikh.

21 MR. PONEMON: Yes.

22 CHAIRMAN PURCELL: That's one of the
23 religious artifacts. We took that training.

24

25 MR. PONEMON: He was, but it was handled

1 beautifully and there were no hard feelings, and it
2 was just done so professionally.

3 That kind of leads to part two which is
4 there seems to be a lot of outreach in the Detroit
5 area, which is fantastic, but how do you avoid
6 overlap? For example just today we have ICE, DRO,
7 CBP, TSA, DHS, how do you actually do things in a
8 way that avoids overlap and maybe even some
9 redundancy? Is there a plan or is there kind of
10 like a one person in charge of all of this
11 community outreach?

12 MR. BALL: Actually it's a great
13 question, but I think the description of the
14 federal Executive Board and the DHS leadership is a
15 way in which we stay clear, and believe me, we are
16 all part of DHS, but we all remind each other
17 anytime we think someone's getting into or outside
18 of their own area, but from an outreach standpoint,
19 the more the merrier in reality, and there's a
20 great deal of appreciation when we will put forth
21 not only the level -- I mean I'll tell you honestly
22 that I think representation is what's important but
23 to others it's very significant that the SAC would
24 come or the Federal Security Director, et cetera,
25 and as a group I think we manage that by the fact

1 that we do a lot of things together at that type
2 level. Now I don't want to suggest that we have
3 coffee every week, et cetera, and there's some
4 organizations, DRO and ICE and CBP as you can
5 imagine, and Border Patrol might get together more
6 often and frequently, et cetera, but in good times
7 and in crisis we don't spend any time exchanging
8 business cards, so we rarely run into problems of
9 someone getting into someone else's turf. It's
10 more reaching out to get some help when you're kind
11 of at the end of where your authorities are, or
12 knowledge perhaps.

13 CHIEF SMITH: And if I could follow-up
14 on that a little bit here, it's also a case of we
15 are all DHS, we are all CBP, but if I get
16 approached by someone who wants to know about Air
17 and Marine Operations out of the Selfridge
18 International Guard Base where our Air and Marine
19 Facility is, that's not my area. I can talk about
20 it. I include them in some of the pictures I use
21 for my booth background when I go out to do things,
22 but I would refer them to my counterpart at Border
23 Patrol who is responsible for AMO as well, so a lot
24 of it is determined by the topic as much as
25 anything else. If you would like to talk about

1 Western Hemisphere Travel Initiative, my
2 counterparts will happily give you my name, and I
3 will talk for two and a half hours on Western
4 Hemisphere Travel Initiative without saying
5 anything.

6

7 CHAIRMAN PURCELL: Thank you very much.
8 Appreciate it. Thank you. And David, please.
9 David Hoffman.

10 MR. HOFFMAN: Once again, thank you both
11 for coming and talking with us today. I think the
12 discussions that you just took us through about the
13 amount of outreach that you do is absolutely
14 commendable, and I think we saw a bit of that and
15 saw the extent yesterday to which the different
16 components of DHS have been able to reach out to
17 different groups, and so I'm thinking that when
18 you're doing that outreach you're probably having
19 some of the same experiences that we had yesterday,
20 which was hearing from some of the groups a lot of
21 stories about things that were happening that they
22 particularly object to, and I think some of that,
23 the difficulty about hearing some of those stories
24 is I think being members of the Committee we hear
25 these all the time. Everywhere we go we hear

1 stories. People find out we're on the Committee
2 and they want to share their most favorite story
3 that they heard but it was a friend of a friend or
4 they heard someone. Particularly yesterday there
5 were stories about inappropriate questions and
6 inappropriate comments either at the airport or at
7 the border especially around religious observance
8 and participation; questions about how often do you
9 visit a mosque, do you take your children to the
10 mosque, those sorts of things. I would guess,
11 although I don't know, that there's probably a
12 policy in place about, especially for, since this
13 is a Data Privacy Advisory Committee, certain
14 sensitive data areas and what should be asked and
15 what shouldn't be asked when the person on the
16 front line is having that conversation and trying
17 to determine whether there's an event that needs to
18 go to secondary screening or even in secondary
19 screening to understand what's happening, and so I
20 was wondering if you could talk a little bit about
21 what kind of policies are in place about what those
22 folks will do and what they won't do, what type of
23 questions, and how we could potentially get that
24 information out to these communities to say, no,
25 there is a policy and if you actually knew somebody

1 that that happened to you could tell them that they
2 have this policy and here's the place that they
3 could complain and they could send the Officer, you
4 know, the name who had said that inappropriate
5 thing, and it will be followed up and we will tell
6 you what action was taken at the end of the day.

7 CHIEF SMITH: Actually the last part of
8 your question is the best part of the answer. A
9 lot of the times when we attend the various
10 meetings we also receive the same type of
11 information that you received. Someone will stand
12 up and say this event occurred at the bridge or the
13 tunnel, and it was inappropriate, and when the
14 questions are asked of when did it happen, who did
15 it happen to, again, as you heard earlier from the
16 other panel, it was something that they heard from
17 a friend happen to a cousin of another friend. If
18 someone is having an experience at the border, I
19 always tell every group that I go to, if you
20 experience a bad time at one of my border
21 crossings, and please note that terminology, it's
22 my border crossing, and it's my border crossing
23 because that's where I work and the Officers that
24 are working there had better present themselves
25 correctly because all they're doing if they don't

1 is making my job more difficult. We do take
2 ownership of where we work because we're proud of
3 what we do. Now back to this, if an individual
4 experienced a problem, I tell them the first thing
5 you do is ask to talk to a Supervisor. Don't let
6 it go beyond that. You don't want to stand up to
7 the Officer and say I hate what you're doing;
8 you're all wrong; let me talk to a Supervisor. Get
9 through the interview, ask to talk to a Supervisor,
10 and bring it to the attention of a Supervisor. I
11 spent two and a half years as a Supervisor at the
12 cargo facility, and there were times when a driver
13 would be treated less than politely, and if I
14 observed it, I could take care of it. If I didn't
15 observe it, if they asked to talk to me, I could
16 take care of it. If I didn't observe it and they
17 didn't talk to me, now it's out there and it's
18 festering and it's growing with every telling of
19 the story, and there is no way to make that
20 correction. Every time someone has a complaint it
21 is taken very seriously. If I have a complaint
22 that I crossed the border on October 1st at 2:00 in
23 the afternoon and I don't remember what lane it was
24 in but here's my license plate number, the
25 Supervisors at that facility will find out who the

1 Officer was that you dealt with. We know who was
2 working in what lane at what time. The Officers
3 are going to be required to do a statement on it.
4 It's going to be checked out six ways to Sunday
5 because all a complaint is is a case of making our
6 job more difficult, and if there's an Officer out
7 there that's making it more difficult for us to
8 accomplish our mission, they need to be retrained,
9 they need to be talked to, they may need to be let
10 go.

11 MR. HOFFMAN: Can I just probe on this
12 for a second without electrocuting myself? So it
13 sounds like you're hearing the same things that we
14 were hearing which is they don't know what the
15 policies are, they don't know how to complain, they
16 don't know how people are going to follow-up with
17 them; that sounds like a concern that DHS could do
18 something about. It sounds like something could be
19 implemented at the border crossing to inform people
20 what are your rights, what are the policies in
21 place of what's not going to happen to you, and if
22 it does happen to you, here's how you complain and
23 here's how we're going to follow-up with you, but
24 it sounds like there's nothing like that in place.

25 CHIEF SMITH: At the border, no, and

1 actually for good reason, and I'll get into that in
2 a moment. Actually our involvement with ALPACT and
3 NBEST, Northern Border Economic Security and Trade,
4 which is through the Detroit Regional Chamber, the
5 ADC, all of the BRIDGES groups, all of these groups
6 that we are actively involved with, they are taking
7 information back to their communities and the word
8 is getting out.

9 Now why isn't there something at the
10 border? You'll get pushback on it because when you
11 come up to the border and I have to explain what
12 the policies are for why something is done, I've
13 added, let's say 30 seconds to your inspection time
14 period. I have 12,000 cars a day, and if I have to
15 do that more than once or twice during the day, the
16 next complaint that will come across has nothing to
17 do with how the individual was handled.

18 MR. HOFFMAN: I'm a little confused.
19 What if you just did this?

20 CHIEF SMITH: It adds to the inspection
21 process.

22 MR. HOFFMAN: Handing them --

23 CHIEF SMITH: Because A) --

24 MR. HOFFMAN: Handing them a piece of
25 paper when you're handing back their ID? I'll

1 stop. I really fundamentally don't understand.

2 CHIEF SMITH: No, actually it becomes a
3 case of do I hand it to every individual? And if I
4 hand it to every individual of the 12,000 cars that
5 come across the border every day here in Detroit, a
6 good number of them are commuters, so do I hand one
7 to every one of them every day until they've
8 wallpapered their living room? Or do I restrict it
9 to the infrequent traveler who doesn't know the
10 policies who I could refer them to secondary, but
11 then there'll be a problem with that because
12 they've been referred to secondary just so that we
13 could explain what the procedure is. If we can
14 continue with the outreach efforts to get the word
15 out to the communities at large, it's going to be
16 much more effective.

17 If you'd like to -- one of the problems
18 with working the border, one of the hatchets that
19 hang over an Officer's head, and I'm being very
20 frank with you, go to our website, go to CBP.gov
21 and look at wait times, and if you see a wait time
22 that exceeds 60 minutes, there's been notification
23 through the port, from the station to the port to
24 the Director of Field Operations. If you see wait
25 times over an hour and a half, that's gone up to

1 CBP. If you see it for two hours, people are
2 writing out documents to explain why. Anything
3 that would delay a process at the border you're
4 going to get pushback on primarily because right
5 now with all the technology, and the question was
6 asked about the EDL's, NEXUS cards, passport cards,
7 they're all RFID technology, and ultimately the
8 goal is that the Officer doesn't have to handle
9 their documents. If I have to take your passport
10 and swipe it, I'm adding 15 seconds to your
11 personal inspection, and I've got 22,000 people
12 coming across the border in Detroit today. If I
13 have to handle half of their documents, I've added
14 man hours to the border crossings, I've held up
15 traffic, and now I have the problem of explaining
16 why we're holding up traffic to the community. Not
17 to my bosses; to the community. It's a handoff.
18 It's a balancing act. I have to protect the
19 border, but I also have to facilitate free trade
20 and travel, and the way that I facilitate free
21 trade and travel is I target for the individuals
22 that I'm interested in talking to, and I get
23 everybody else through as timely as I can. It's a
24 very interesting dichotomy.

25 MR. BALL: May I, sir, from my vantage

1 point or standpoint back up to your original is is
2 there a policy on what to say or not to say? Not
3 per se? We have training, you know, I mentioned
4 some of it. We most recently did Ramadan awareness
5 training. You know, every year as Ramadan comes up
6 we do a little training session, et cetera, but
7 embedded in our standard operating procedures,
8 which we couldn't give to the general public, you
9 know, there are limits into what you're doing in
10 various activities or actions, but to have a
11 specific policy that says don't say this or don't
12 say that, no, there certainly are overarching guide
13 -- one that we could give to the public is what I
14 thought you described to me. No. What you can
15 expect, yeah, we do post there, and at our points
16 of contact we do have individuals who'll ask to see
17 a Supervisor, and Supervisors have a responsibility
18 in responding to that person, and then we do have
19 not only the Got Feedback posted, which you'll see
20 later today, but we also have customer contact
21 cards where they may provide information, and I, in
22 my case and most large airports like DTW, I have a
23 stakeholder manager and I have a customer quality
24 support manager. That customer quality support
25 manager, among other functions, has direct contact

1 for complaints and compliments, you know, with
2 those folks, and my key, at least in my world that
3 I think is speed, and speed in which we respond,
4 and probably the most common response we get from
5 individuals, and maybe didn't get that yesterday,
6 but these are real life examples, is they're so
7 surprised that the Federal Government's calling
8 them back. I mean that just makes our day. And
9 you know, as most of my career is not in the
10 Federal Government. To see that I know that our
11 response rate, and my folks do track that, I don't
12 have it in my head for us today, is better than I
13 ever saw at a major air carrier in the United
14 States. I know that many times there's a joint
15 complaint that's sent to an air carrier and to us,
16 and we've already closed it out and answered and
17 satisfied the customer before the carrier's ever
18 gotten back to them. So there are processes, and I
19 think that helps in that. I think also the on the
20 spot complain or compliment card also helps that.

21 CHIEF SMITH: And if I could, not to
22 belabor it, but just to give you an example of why
23 a standard set of questions doesn't work at the
24 border, an individual leaves a bordering country in
25 South Africa and travels to South Africa where he

1 pays an exorbitant amount of money to get a berth
2 on a cargo ship that takes him to Canada where he
3 sneaks into the country at a Canadian spot, meets
4 up with two individuals, one of his own nationality
5 and one Canadian, and they drive to Windsor,
6 Ontario and they stop at a hotel and the people
7 that he's with, they take all of his documents.
8 They take his entire identity. Anything he has on
9 him they take, and they give him a new set of
10 identity papers, and they give him a script, and
11 they say learn this, these are the answers to the
12 questions that you'll be asked when you try to
13 cross the border, and he did. He learned them, and
14 he showed up at the border and the Officer that was
15 dealing with him in this case was actually still a
16 probationary employee so they've only been on the
17 job for less than 18 months, started asking our
18 standard questions, and when the individual
19 answered a question about going to school, the
20 Officer asked an off the wall question. The
21 individual couldn't answer it. It wasn't part of
22 the script. As a result of that, ICE did an
23 investigation that resulted in breaking up a ring
24 that had smuggled 58 people into the country over
25 the last year or so. Standard questions are

1 citizenship, why were you in Canada, where are you
2 coming from, where are you going, what were you
3 doing? I always claim when I work the border I
4 never asked a question I didn't know the answer to.
5 Citizenship I didn't necessarily know the answer to
6 except for the fact you were probably driving a US
7 or Canadian plated car. Where are you coming from?
8 You're coming from Canada. You are going to tell
9 me your life story when I ask you that question,
10 and based on your answers, I'm going to develop
11 other questions which may point out discrepancies
12 in your story which will cause you to be in
13 secondary to answer a few more questions.

14 MR. HOFFMAN: So having a policy that
15 would prohibit questions about religious practices,
16
17 sexual orientation, or sexual practices would
18 inhibit your ability to provide a secure border?

19 CHIEF SMITH: It may or may not. It
20 depends on the situation. If I'm dealing with
21 someone that is coming back from Thailand after a
22 six week trip and they have told me that they are
23 coming back because they went over there to check
24 out the sex shops, I'm going to ask questions
25 related to sex. There have been individuals, it's

1 known that individuals go over there to partake in
2 different varieties of sex that are not legal here
3 in the States. That individual is going to be
4 asked questions that you as a traveler probably
5 would never think of being asked, and you probably
6 never would be asked. But based on the situation
7 that the Officer is facing and the story that the
8 individual is using, the questions can run the full
9 gambit of anything.

10 CHAIRMAN PURCELL: Thank you. So Lance,
11 the metrics question. Oh, no?

12 MR. HOFFMAN: Actually it's not the
13 metrics question, although if you want to respond
14 to the earlier metrics question which is do you
15 have metrics on people you've selected and all
16 that, please feel free to answer it.

17 Really, I have two very quick and easily
18 answerable questions I think. One is can we the
19 Committee see the training videos? I'm very
20 interested in some of the training videos you
21 talked about with respect to these specific
22 communities, and I'd be interested in seeing them.
23 And if so, are they available either electronically
24 somehow to us?

25 Second question is in particular I was

1 very struck by your remarks on, this is, you know,
2 my border crossing; these people report to me and
3 it reflects on me and this and that. That was
4 frankly much more powerful than the little tear
5 sheet that you can give out that says, warning, you
6 don't have your document, get it next time, please,
7 and that sort of thing. And I realize you go
8 around the state and around the region, you know,
9 and you can make the same sorts of statements to
10 the people you see, but I'm wondering if you have
11 used or would consider using or got advice on just
12 that kind of thing, which struck me at least as so
13 important and potentially persuasive in a video of
14 some sort that is either available online or
15 distributed to groups or whatever as opposed to
16 just written print material and that's it?

17 CHIEF SMITH: There was a video on our
18 website, our internal CBP.net, I don't know if it
19 was on the CBP.gov site, and it had to do with our
20 speakers' kits, and I use it in almost all of my
21 PowerPoints. I didn't use it here today because
22 it's a two and a half minute video at the beginning
23 and then a minute and a half at the end that you
24 may have found very interesting, but it does stress
25 the fact that CBP employees are not just Government

1 entities at the border doing a job. We always
2 stress in my outreach that we are a part of the
3 community that we are protecting. We live in these
4 communities, and these videos actually did touch on
5 that, showing the activities within the
6 communities.

7 MR. HOFFMAN: I'm not asking about
8 substance. I'm asking about delivery mechanisms in
9 terms of outreach because I'm very sympathetic to
10 your concern about maintaining throughput at the
11 border at the same time you're protecting the
12 border, and my question really is to the average
13 Joe Schmoie or whatever, does he or she have to get
14 it through their imam or through the luck of the
15 draw where you're going out to a group, or do they
16 get it any other way?

17 CHIEF SMITH: There are videos available
18 at CBP.gov to the general public having to do with
19 CBP operations, yes.

20 MR. HOFFMAN: But there's nothing
21 specific to a given border crossing, like you'll
22 see in the SafeWay sometimes, I'm so and so; I'm
23 the manager of your SafeWay; see me if you've got a
24 problem?

25 CHIEF SMITH: The videos per se, no,

1 they're Agency-wide. The closest that we came to
2 that, and hopefully I'm going to get a couple of
3 hands here, are any of you familiar with the ABC
4 series that was on this summer, Homeland Security,
5 USA? Thank you. I got to be in a few of those.
6 The response that I get when I'm out talking to
7 folks is that that show did a great job of showing
8 what happens at the various ports of entry. It was
9 a case of a camera crew following our Officers
10 around as they do their duty, and it gave a human
11 touch to what we do at the border; not only why we
12 do it, but the human side of it as well.
13 Unfortunately we got cancelled because we were up
14 against American Idol.

15 CHAIRMAN PURCELL: Bummer. Next
16 question, John Sabo.

17 MR. SABO: Thank you both. I mean it's
18 a difficult job. I mean you've got millions of,
19 I'm looking at the data, a million-three passengers
20 processed or travelers on a given day, and frankly
21 a significant but very tiny fraction of those are
22 criminals, illegal aliens who are refused, they're
23 apprehended. A tiny fraction. So the bulk of the
24 people you're dealing with are, and take a fraction
25 of those are American citizens, people with US

1 passports, and you know, you're wearing badges.
2 When you wear a badge and, you know, maybe Mr. Ball
3 understands this having come out of the airline
4 industry, you're inside the system, but if you're
5 even a legitimate law abiding loyal and loving
6 American citizen, you're coming through what
7 effectively is an inspection process; that is, you
8 are being viewed perhaps as a perpetrator, as a
9 potential criminal, one of that tiny fraction. So
10 I think some of the thrust of what the Committee is
11 going through in terms of redress, and we've been
12 asked to look at redress, is how do you ensure
13 that, and I'm not even going to get into aliens who
14 are visiting the US and so on, but let's just talk
15 about citizens, a huge proportion of those
16 travelers are American citizens who are legitimate.
17 So going to the community to deal with that tiny,
18 tiny sub-fraction is one thing, but getting that
19 broader message out, but also ensuring that your
20 business processes reflect the message is the
21 bigger problem. And for example the idea that
22 you'd come through Dallas, you get off a plane, you
23 walk up, you get on the hideous transport system
24 that they have as you are probably aware, and then
25 you lurch your way through CBP and through that

1 first barrier, and then you're herded into, which
2 is, you have to be because of the volumes of
3 people, into the lanes for your citizen lanes, you
4 know, the first thing that should greet you with
5 your passport is welcome to -- welcome home.
6 That's not the first thing you hear. That's the
7 last thing you hear if you get it at all. You're
8 given either a very nice courteous inspection or
9 you're given a grumpy one. And then you have
10 another barrier to get back to the carousels. So
11 I'm walking through this because you would see that
12 in large ports, and this wouldn't work at the
13 Ambassador Bridge, but at large ports of entry like
14 Detroit Airport, you could place someone there, or
15 you could have some capability after you've gone
16 through all of those hurdles and the anxiety of,
17 you know, are they going to look for excess liquor
18 or something, say do you have any problems with
19 this process, do you have any complaints? Have
20 someone sitting at a desk to deal with it or a
21 kiosk or something at that point that could allow
22 you to provide some feedback, which is what your
23 point was, because if you don't have that at the
24 end, it's very likely you're not going to provide
25 feedback. You're anxious to get out of there and

1 get home after a long trip. That's only one
2 example. So I think, you know, I'd like your
3 reaction to that. Why is that not possible given
4 all the money we're spending on this system?

5 And the second piece is quality, again,
6 back to metrics, when you do all the outreach,
7 what's the effective result of it? It sounds like,
8 you know, our companies do marketing and then you
9 end up trying to assess whether your marketing is
10 working. Do customers know the brand? Do they
11 have trust in you? There's a way to do that. And
12 I'm wondering if you take the outreach efforts, and
13 I'm sure you do this, and then find out what's the
14 impact of my marketing? What's the impact of my
15 outreach?

16 So I have two questions: one is why
17 can't we have that additional quality control at
18 the very tail end of some of the big processes at
19 the ports, and then is there a quality feedback
20 mechanism to build improvements to the encounters
21 that we have?

22 CHIEF SMITH: Here in Detroit we're
23 currently in the process of putting in the model
24 ports concept at the airport. It's in place down
25 in Houston, and it was one of the pilot areas.

1 Part of the model ports is that as you're coming
2 into the area there's actually videos being played
3 so that you're understanding what the process is,
4 and again, if someone understands what the process
5 is it has a tendency to take that frightening
6 aspect away from it a little bit and makes it
7 easier for everyone to get through it.

8 We also at all of the airports for CBP
9 we do have customer service representatives and
10 there are signs up identifying who those
11 individuals are and how to go about contacting them
12 so that an individual can express either their joy
13 or their complaint about what the process did with
14 them, so that is in place and it has been for quite
15 some time. Could it be better advertised?
16 Probably. I know out at Metro when you go out
17 there if you're in the CBP area you will see some
18 signs identifying who those individuals are.

19 As far as measuring the outcome of the
20 outreach, there is no mechanism in place to where I
21 can say that I went and I talked to this group and
22 based on talking to that group this happened.
23 Where we're getting credit for some of the activity
24 is that when I go and talk to in our area here,
25 boaters, you may have noticed we have quite a bit

1 of water around here, we have the longest water
2 boundary, international boundary of any of the
3 states, where I find out that I've had an impact is
4 when I hear from the NEXUS enrollment centers that
5 their NEXUS enrollment has gone up and a lot of
6 them are boaters, or I'm walking, I go in to talk
7 to a group and realize that half of the crowd has
8 sat through my torture once before at another
9 group, and the only reason I'm coming out to talk
10 to them is because they wanted to get the word out
11 to this second group that they belong to. But
12 other than that there is no mechanism in place
13 because we're dealing with groups that they meet
14 once a month; it's a volunteer organization.
15 Coastguard Auxiliary, like I said, I've talked to
16 just about every flotilla in this part of the state
17 about small boat reporting requirements for the
18 Great Lakes area. They're going out and I know
19 that they're talking to the boaters that they're
20 doing boater safety checks on. I don't have any
21 empirical data that will tell me that other than
22 the people that I'm running into as I'm out and
23 about.

24 MR. BALL: If I might add just, and it
25 goes a little bit back to the previous question but

1 I think related because they are, you know, to the
2 point about, you know, this is my border kind of
3 deal, a couple things we've done over the last two
4 years that I think tries to address a part of the
5 impersonal nature of it and what am I supposed to
6 do, and one is we attack signage. And when we
7 looked across the country, we actually have a lot
8 of signage that tells you what to do and how you're
9 supposed to do it, et cetera. Part of the problem
10 is we probably had too much signage and, you know,
11 the signage became that white noise, and we did
12 almost Disney management-like experiments, the old
13 listening post where you just observe and capture
14 what you see people doing and you know, we could
15 have put anything in the world on some of those
16 signs even though you're in our captive line going
17 up to be screened and people would, you know, be
18 the first one to yell yes and you get a million
19 dollars, I don't think we'd have given any money
20 away. So one approach across the country we went
21 to is a more graphic sign instead of all this
22 writing and, you know, certainly for that
23 preparation as TSA has changed, as the world
24 intelligence has made us change what you have to do
25 when you're there, we've gone to just a more

1 graphic, and you'll see that later this afternoon.
2 And then also on the softer side I think more the
3 reaction to the badge, which I absolutely
4 appreciate that there is different -- when you're
5 in that -- I mean I try to do the speed limit most
6 of the time, but if a siren goes on behind me, I'm
7 not proclaiming my innocence, I'm just trying to
8 see how far over I was, and that same thing happens
9 when people come in. They see the badge and even
10 that innocent person who wasn't speeding, you know,
11 is kind of looking down to see to make sure it's
12 not for them. But it's a program where we took
13 employees, you'll see today when we go on the tour
14 a poster of them. I think it's a good 28 inches by
15 36 inches and says my name is Bob and when I'm not
16 here I motorcycle and I'm one of your neighbors and
17 your friends, too, and you know, my whole job here
18 is to make sure you're safe and secure, and it's
19 been part of a larger effort that you may have
20 heard of in calming down the checkpoint and the
21 theory quite publicly being if we can take some of
22 the things that make you as a traveler anxious
23 anyway and reduce those, those that have real
24 reason to be action, that very, very minute small
25 percentage that is really who we're looking for

1 will stand out. And so that signage, the type of
2 noise, the way we've trained, we took all employees
3 starting last fall through a training called Engage
4 and Coach, and it is about interaction and it is
5 about, I kind of missed it in my response to you,
6 about how you speak to people and what level of
7 engagement, but it also speaks about when you hear
8 the little voice, bring in your colleagues and
9 teammates and let's make sure, maybe it's just a
10 little random voice; maybe there's something else
11 going on, but don't do what happened on 911 where
12 that Officer who followed all the rules at the time
13 and the private screening company but said I knew
14 something was going on with that guy. So it is
15 that combination planner that is a difficult
16 balance that we ask a lot of people to execute
17 flawlessly that I think, yeah, we do fail from time
18 to time. I don't think there's any doubt. But the
19 key to me, there is an understanding underneath it
20 a bit. There's other things that we can do that
21 the environment counts. And again, you'll see some
22 of that even this afternoon.

23 CHAIRMAN PURCELL: Thank you. Renard
24 Francois, take us home.

25 MR. FRANCOIS: Thank you very much, and

1 I've got one question and an observation, and I'm
2 glad you just touched upon the issues that you just
3 discussed about signage and kind of the white noise
4 because I think that boils down to managing
5 expectations; managing expectations for travelers
6 either at the border or in airport security lines.
7 One of the things that the TSA has done that I
8 think has been very good is the 311 branding. I
9 think everybody understands that. There's signage
10 there, and it strikes me as that's kind of an
11 efficiency method to here's how we get through
12 security quickly, here are the things that we need
13 and where we need them to help our process and to
14 help you get through security with minimal effort.
15 I would encourage you to just think about it in
16 terms of managing expectations in terms of rights
17 and expectations because even whether, regardless
18 of whether it is an ethnic community, an ethnic
19 traveler or anyone of us on the Committee, we have
20 either heard stories or had experiences where maybe
21 there is something that we want to complain about
22 after you get through security. However you don't
23 know kind of the broad parameters of your rights,
24 and you're sitting there thinking do I complain,
25 could I get detained, miss my flight; do I escalate

1 this to a Supervisor; what is the process for me if
2 I'm not entirely satisfied or I think that
3 something was mishandled? And so it's encouraging
4 to hear you kind of take that approach, but I think
5 if we can find a better way to manage everyone's
6 expectations of here's what I know the broad
7 parameters of what can be done, and if I am not
8 satisfied with it what I can do while I am at the
9 airport or either not at the airport, it may be
10 very helpful.

11 The other idea gets to what John had
12 mentioned about measuring the effectiveness of the
13 outreach. I think what we have heard yesterday and
14 today is the Department of Homeland Security has
15 done a fantastic job of marshalling its troops and
16 resources to engage a number of communities, ethnic
17 communities and otherwise, in order to provide
18 advice and just give general awareness, but what
19 strikes me is, from what I heard yesterday and some
20 of the things I've heard today is a lot of the
21 complaints are very similar; a lot of the
22 complaints, there's a perception that they don't
23 get resolved and kind of fall into the same
24 category, and I wonder if maybe the question is
25 whether there is an overarching outreach strategy.

1 A business can say this year we want to focus our
2 outreach efforts on improving wait times, and we're
3 going to talk to these constituencies about how to
4 improve and go through the process faster, and then
5 we can measure the effectiveness of our outreach
6 and our message to see whether the wait times have
7 decreased, and I wonder if there's any sort of
8 overarching outreach strategy that says we're
9 hearing repeated issues about inappropriate
10 questions at the border, so our outreach to these
11 communities and to individuals and to even our own
12 personnel will be on kind of the limits of what
13 should be asked at the border or whether it's wait
14 times, you name it.

15 MR. BALL: Well, I'd like to take the
16 first part and say most directly to your question
17 and being very involved with the DHS leadership
18 group, no, I don't think we have. I don't think
19 we've consciously sat down and said, hey, you know
20 what, why don't we all figure out the top things we
21 hear, why don't I do a listening post on you and
22 hear what I hear, and you come in my world and, you
23 know, experience, so I don't think we've done that
24 as a group, and certainly I don't think nationwide.
25 So it's a very interesting suggestion and we might

1 do that, you know, one group at a time. You know,
2 kind of share that other experience. I would also
3 offer though, in describing that that sometimes we,
4 including myself kind of look at the process, and
5 it goes back I think to even the previous
6 expectation building is that most times even at
7 moderate travel times I can wait a shorter distance
8 or a shorter timeframe in the Detroit Metropolitan
9 Airport than I do at my local Kroger, yet those two
10 experiences and how they end up I treat very, very
11 differently, and I have a whole different mindset
12 when I'm going in to Kroger, unless the game is on
13 and I got to get beer and I've got to get home
14 quick, I have a little bit, you know, there's fewer
15 things going. But the impact when I'm at an
16 airport or at a border or some of the other touch
17 points of our Agency is a lot different, and I
18 think sometimes we have to keep that in perspective
19 because we do over use metrics sometimes. We say, hey,
20 you know, I wait shorter at Metro than I do at
21 Kroger. That's not really the measure. There's a
22 whole lot of other things that go into it and it's
23 a great indicator of something, and how we use that
24 information I think is probably more important, but
25 yeah, very, very interesting proposal to look at a

1 little differently, and I think we have a group
2 here locally that can do that without fear, you
3 know.

4 CHAIRMAN PURCELL: Terrific. Thank you
5 very much, Mr. Ball. Thank you very much for your
6 inputs today. And this concludes this panel and
7 this also will conclude our meeting. Please
8 remember that sadly we didn't have any public
9 comments. Happily it gave us more time for our
10 conversation, but you can always submit comments to
11 the Committee at any time. Email them to
12 www.privacycommittee@DHS.gov. A transcript of the
13 meeting is placed on that site once it's completed
14 and vetted.

15 Many thanks to all of our speakers, most
16 of whom are still with us. I learned a couple of
17 things today that were interesting, lives cannot be
18 resolved, I think that's a great statement. The
19 other one more enigmatically is take your
20 complaints to the SAC of ICE.

21 This concludes the public portion of our
22 meeting today, and I ask that because we're having
23 an administrative meeting of the Committee
24 immediately following that we clear the room as
25 quickly as we can. We invite you to use the lobby

1 for furthering conversations, and I also invite the
2 Committee members to stay so that we can conduct
3 our administrative business immediately afterward.

4 And thank you all. This Committee is
5 adjourned.

6 (At 12:30 p.m., meeting adjourned.)

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