



U.S. Department of Justice

National Domestic Communications Assistance Center
Executive Advisory Board



Office of the Chairman
National Domestic Communications
Assistance Center
Executive Advisory Board

July 22, 2019

The Honorable William P. Barr
Attorney General of the United States
Department of Justice
Washington, D.C. 20530-0001

Dear Attorney General Barr:

I write to you as the Chairman of the Executive Advisory Board (EAB) of the National Domestic Communications Assistance Center (NDCAC). One of the core functions identified in the Charter of the NDCAC EAB is to provide you “advice and recommendations... on the selection and appointment of the Director and Deputy Director(s)...” The current Director’s initial three-year term is set to expire later this year. The NDCAC Deputy Director position is currently vacant as a result of a recent personnel transfer. Further, I am writing to recommend the appointment of the NDCAC EAB attorney and to provide you a copy of the EAB’s Second Report to the Attorney General, which fulfills our obligation to advise you on technical challenges faced by the law enforcement community.

It is my pleasure to recommend, on behalf of the EAB, the re-appointment of Ms. Marybeth Paglino as the Director of the NDCAC. Ms. Paglino is currently the Director of the NDCAC and has earned the unanimous support of the NDCAC EAB for this recommendation. In recommending Ms. Paglino to be the NDCAC’s first Director in 2016, the EAB immediately recognized her as the most credible candidate based on her knowledge of the issues facing the law enforcement community with respect to lawfully-authorized electronic surveillance capabilities, evidence collection on communications devices, and technical location capabilities.

Ms. Paglino’s current and previous management experience is critical to our decision to recommend her for re-appointment to the position of Director of the NDCAC. She has supervised large numbers of direct employees, contracted subject matter experts, and employees of other law enforcement agencies to create cohesive teams capable of supporting their respective goals and missions. Her technical investigatory experience is the result of over three decades as a Special Agent with the Federal Bureau of Investigation (FBI). Ms. Paglino’s fundamental understanding of the depth and breadth of the technical challenges faced by law enforcement is based on her extensive experience with investigations involving organized crime and money laundering. Her oversight of the FBI’s implementation of the Communications

Assistance for Law Enforcement Act (CALEA) is one example of her ability to address an extraordinarily complex issue, partner with law enforcement to incorporate its needs, leverage relationships with industry, and achieve results.

On May 1, 2019, during a meeting of the NDCAC EAB, the Board voted unanimously to recommend Ms. Paglino for re-appointment to the position of NDCAC Director. It is my pleasure to forward this recommendation to you.

The EAB is also recommending the appointment of Drug Enforcement Administration (DEA) Associate Deputy Chief Inspector (ADCI) Thomas M. Flowers as a Deputy Director of the NDCAC. ADCI Flowers is a 31-year law enforcement veteran with nine years of experience as a local police officer with the South Carolina Highway Patrol and Horry County Police Department, and 22 years as a DEA field agent, supervisor of diverse investigatory groups, trainer, and inspector. His years of service have given him first-hand knowledge of the technical challenges inherent to the collection of digital and communications-based evidence that is central to the NDCAC's mission.

ADCI Flowers' experience as a local, state, and federal law enforcement officer allows him to relate to law enforcement officials from all levels. Further, ADCI Flowers has critical experience as Chairman of the State Board in Arkansas for the Gulf Coast High Intensity Drug Trafficking Area (HIDTA) and as a member of the HIDTA Budget Committee. His extensive collaborative work with service providers and manufacturers related to law enforcement issues and needs also well-positions him for this position. The EAB has concluded ADCI Flowers' qualifications make him an excellent choice to serve as a Deputy Director. The EAB strongly believes ADCI Flowers is an outstanding selection for this position as he has the job experience, personal disposition, and aptitude necessary to effectively carry out the duties and responsibilities of NDCAC Deputy Director.

On June 14, 2019, the NDCAC Executive Advisory Board unanimously agreed with its Administrative Subcommittee and voted to recommend ADCI Flowers for the position of NDCAC Deputy Director.

The NDCAC EAB Charter identifies a position for a federally employed attorney to serve as a legal advisor to the EAB. The FBI has identified Mr. Marc G. Labreche from the Office of General Counsel to serve in this position. Mr. Labreche is an attorney assigned full time to the NDCAC and is familiar with the NDCAC EAB objectives, scope of activities, and duties as specified in the Charter. Mr. Labreche has over twenty years of experience as a Senior Deputy District Attorney with the Orange County District Attorney's Office; Special Assistant United States Attorney; FBI Computer Analysis Response Team Moot Court Instructor; and an Adjunct Professor at California State University Fullerton. I recommend approving the FBI's selection of Mr. Labreche to serve as legal advisor to the NDCAC EAB.

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Finally, I have included a copy of the NDCAC EAB's Second Report to the Attorney General. The EAB's Second Report identifies general categories of challenges encountered by law enforcement, collectively often referred to as "Going Dark" or "lawful access," describes the factors influencing law enforcement's ability to address those challenges, and outlines approaches and types of solutions the EAB has contemplated to the challenges noted above. The EAB believes NDCAC can continue to play an essential role in addressing several of the substantial lawful access challenges faced by the law enforcement community. The NDCAC EAB stands ready to contribute to the Department of Justice's (DOJ) formulation of a path forward to address the challenges faced by the entire law enforcement community and work with DOJ on these very important issues. The EAB also urges the Attorney General to ensure NDCAC receives at least its current level of funding in the next year, and looks to enhance its resources as more of the law enforcement community comes to rely on NDCAC. The EAB knows significant digital evidence challenges are imminent (e.g., 5G wireless services, Internet of Things) and needs NDCAC to be robustly prepared to help.

Acknowledging the issues presented in the EAB Second Report are complex and deeply intertwined, the EAB invites you (or your designee) to attend the next EAB meeting (tentatively planned for November 19, 2019 in Alexandria, Virginia), so we may brief you on the NDCAC and answer any questions you may have.

Sincerely,



Preston L. Grubbs
Chair, NDCAC Executive Advisory Board
Principal Deputy Administrator,
Drug Enforcement Administration

Enclosures