



U.S. Department of Justice

National Domestic Communications Assistance Center
Executive Advisory Board



June 3, 2019

Ms. Alice Bardney-Boose
NDCAC EAB Designated Federal Officer
Federal Bureau of Investigation
Operational Technology Division
Building 27958A
Quantico, Virginia 22135

Dear Alice,

I have reviewed the minutes and hereby certify that they accurately reflect the proceedings from the May 1, 2019 National Domestic Communications Assistance Center (NDCAC) Executive Advisory Board (EAB) meeting held in Alexandria, Virginia.

Sincerely yours,

/s/ Preston Grubbs

Preston Grubbs
Assistant Administrator
Operational Support Division
Drug Enforcement Administration
Chairman, NDCAC EAB
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U.S. Department of Justice



National Domestic Communications Assistance Center Executive Advisory Board Meeting Minutes May 1, 2019



The Executive Advisory Board (EAB) of the National Domestic Communications Assistance Center (NDCAC) convened for its sixth meeting at 10:00 A.M. on May 1, 2019, at the Hilton Mark Center, 5000 Seminary Rd, Alexandria, VA 22311.

The meeting was called to order by the NDCAC EAB Designated Federal Officer (DFO) Alice Bardney-Boose. Ms. Bardney-Boose welcomed all attendees to the NDCAC EAB's sixth meeting and provided a brief overview of meeting logistics.

Preston Grubbs, Chairman of the NDCAC EAB, congratulated Mr. Edmond Zabin for receiving the Attorney General's approval on his respective Board nomination. Chairman Grubbs provided the group with an overview of the meeting agenda (see Appendix A) and initiated an introduction of EAB members (see Appendix B) and attendees (see Appendix C). Chairman Grubbs continued by briefly speaking about the Department of Justice and its role in "Going Dark." He stated the Department of Justice currently has a keen understanding of "Going Dark" and has established a working group of component agencies that will combine efforts to engage state and local law enforcement. According to Chairman Grubbs, the Department of Justice and members of the working group understand the value of lawful interception and access to digital evidence. Chairman Grubbs expressed that the component agencies will work together with the Department of Justice to make the "Going Dark" working group successful. Chairman Grubbs asked if there were any remarks before turning the floor over to NDCAC Director Marybeth Paglino.

Director Paglino presented the EAB with an update (see Appendix D) on recent activities at the NDCAC. Director Paglino explained that as a result of the FBI's budget process the NDCAC is expected to have its budget cut in the next fiscal year (i.e., FY2020) by about ten percent. A member asked whether FBI leadership was aware of the budget cuts taking place at the NDCAC and whether to note these cuts in the Report to the Attorney General. Director Paglino replied that the management of the FBI's Operational Technology Division (OTD) was aware of the budget cuts. Mr. Grigg confirmed that upper management was aware of the impact that a budget reduction has on all units within the FBI to include NDCAC. Mr. Grigg explained the FBI follows a zero-based budget and provided insight on how zero-based budgeting works. Another member pointed out the steady decrease in NDCAC funding—a reduction of approximately three million dollars since its establishment—and agreed that this information should be included in the Report to the Attorney General.

Director Paglino introduced NDCAC's new Legal Demand Service project. The NDCAC submitted a proposal for the project to the Criminal Justice Information Services (CJIS) of the FBI—recently receiving final approval and partial funding. The Legal Demand Service will allow law enforcement to request and directly receive records from service providers through an automated system. Since this proposal was drafted in 2016, Director Paglino asked the

Technical Subcommittee to update requirements for the Legal Demand Service. Mr. Michael Sachs, Technology Subcommittee Chairman, agreed and encouraged members of the EAB to join or have a representative serve.

Director Paglino informed the Board and attendees of a letter from Senator Schatz (D-HI) and Senator Tillis (R-NC) seeking information on how the FBI plans to prepare law enforcement officials to effectively access and analyze digital evidence in support of criminal investigations. The request for information is a direct result of the Center for Strategic and International Studies (CSIS) report, “Low-Hanging Fruit: Evidence-Based Solutions to the Digital Evidence Challenge” and indicates growing interest on Capitol Hill. In its Report, CSIS recommended a Digital Evidence Office with a proposed advisory board be established within the Department of Justice. Members of the Board discussed the possibility of expanding the scope of the NDCAC EAB to address the recommendation for another advisory board.

A structural reorganization within the FBI’s OTD was the next topic. OTD has realigned and concentrated resources to address investigative technology needs. Director Paglino notified the Board the reorganization resulted in the NDCAC’s move to the Business Engagement and Intelligence Section.

Director Paglino continued with an update of the NDCAC Technology Resource Group (TRG) and Training statistics. The TRG currently has over 20,000 clients. The types of calls TRG handles include access requests for services and the NDCAC website; Call Detail Records (CDR); cell tower and service provider information; and assistance with legal demands. A member asked if Director Paglino could explain how the increase in clients compares to three years ago. Director Paglino explained the increase in clients was more than double and is in large part due to the new, more streamlined method of accessing the NDCAC website. Since the last Board meeting, NDCAC has continued to provide various training classes for law enforcement officers: the Utilizing Open Source and Social Media for Investigations; Gathering Evidence from Today’s Communication Technologies; Regional Understanding Investigative Techniques for Modern Telecommunications; and the Train-the-Trainer and Best Practices for the Collection/Seizure of Mobile Devices Courses. These courses were provided to nearly 2,200 law enforcement officers. Director Paglino explained the NDCAC offers training in historically underserved areas and highlighted that this usually creates a surge in TRG traffic after each training class.

The NDCAC is currently creating a series of courses focused on its tools. According to Director Paglino, these courses will extensively cover a separate NDCAC tool and include the tools’ primary functions, system requirements, and hands-on exercises. The NDCAC is also creating Location-Based Services training. This training course will cover current and future technologies; offer interactive demonstrations and case studies; and cover four major cellular providers, significant web-based companies, and notable mobile applications. Location services and NDCAC tools are two issues with which NDCAC clients often need assistance and participation in these courses should positively affect their ability to conduct investigations.

Director Paglino reviewed current outreach efforts stating that nearly 2,000 participants from over 300 agencies have been trained in the last six months. The NDCAC continued to give

NDCAC awareness presentations throughout the United States. In addition to these outreach efforts, the NDCAC continues to participate in established law enforcement forums. Director Paglino stated the NDCAC's participation in these forums and continued proactive outreach efforts fall within the Board's established Communications Plan.

Director Paglino presented an overview of the NDCAC website. She briefly discussed the Communications Applications portion of the NDCAC website and the information it makes available to clients. Clients have access to templates, the type of legal process required, and other useful information in the App Catalog. Director Paglino stated that in FY19 over 5,600 clients used the NDCAC website. She explained that training, tools, and provider information are currently the top three sections of the website. Many of the clients using the website are very interested in training, but the NDCAC still is unable to fulfill every request due to resource constraints. Director Paglino explained the top three tool downloads on the website were .Social, CASTViz, and CrossTalk. .Social is a tool used to parse data collected from application returns. There are approximately twelve applications available in .Social. She explained the NDCAC partnered with the FBI's Cellular Survey Analysis Team (CAST) to host its CASTViz tool on the NDCAC website. This tool is in high demand with NDCAC clients. Director Paglino quickly highlighted CrossTalk, a tool that allows law enforcement to conduct many searches at one time and keep them organized. Director Paglino concluded her presentation with an explanation of NDCAC website changes. Director Paglino asked if there were any questions before turning the floor over to Mr. Brian Durham for a detailed presentation of the NDCAC's Law Enforcement Learning Pathways.

Mr. Durham assumed the floor and explained that Learning Pathways (See Appendix E) is a new approach created to help NDCAC clients efficiently access information on the NDCAC website and become more adept on topics at their own pace. NDCAC's client base is growing rapidly and is creating a pool of clients with different roles, experiences, and abilities. To address the needs of all NDCAC clients, the website must be easy to navigate, user-friendly, and build upon best practices established through NDCAC's partnership with law enforcement and industry. Learning Pathways creates an interactive knowledge base and enables clients to learn more about topics and techniques that are most important to them. This new approach should reduce the time it takes clients to find information; present documents of relevance; and reduce knowledge gaps. The Learning Pathways approach does not follow a linear process, which allows for more in-depth learning and skill building. The new website experience is self-directed and offers users quick answers to common questions, access to job aids to master specific techniques, links to online training videos, and access to various technology templates. Mr. Durham stated Learning Pathways evolves through interactions with law enforcement and their need to keep up with new technologies. Member feedback and website usage statistics indicate the new approach is already proving to be effective. Mr. Durham concluded his presentation and asked if there were any questions before turning the floor over to Mr. Ken Coon.

Mr. Coon assumed the floor and provided an overview of 5G wireless technology (See Appendix F). Mr. Coon stated that not only are commercial services continuing to change, but the underlying networks themselves are changing. Mr. Coon said the NDCAC is continuously learning about 5G services and capabilities from industry through its participation in industry

technical standards groups related to the Communications Assistance for Law Enforcement Act (CALEA).

Mr. Coon provided background information on the evolution of mobile technology. Starting in 1999 to the present day, he reviewed industry's stated short- and long-term goals for multiple generations of wireless technology. Mr. Coon shared that providers increased communications speed, network security, and provided value added services such as video, live stream, mobile Internet access, and IPTV through 3G capabilities. After the introduction of 4G capabilities, providers strived to offer users interoperability with existing wireless standards, seamless connectivity, and high-quality service with real-time audio, high-speed data, mobile TV, and HDTV video. The goals set for 5G capabilities include very low latency speeds and high network reliability; top quality and high mobility service; the ability to interface with Internet of Things (IoT) devices seamlessly; ultra-accurate positioning; and the ability to operate and maintain these new technologies efficiently.

Mr. Coon concluded his presentation with a discussion on current 5G law enforcement considerations. He stated 5G is in the early stages of development and is currently more marketing than reality. Increased bandwidth will be the first 5G attribute law enforcement encounters. New network capabilities will eventually change the way we think of mobile devices, but the industry's current goal is to raise awareness of the service and its future promise.

Mr. Sachs stated his organization encountered an issue regarding tools created to parse provider data. He explained the tool his agency was using to parse provider data stopped working when providers made updates to their delivery format. Mr. Sachs asked if these companies provide the NDCAC with changes or updates they make that directly affect the use of tools. Mr. Coon responded that some companies are providing updates before the changes are deployed. Some updates are not provided by companies until after they are deployed due to concerns about proprietary information. The NDCAC must develop solutions as law enforcement encounters these issues. Mr. Coon stated that 5G is currently a challenging environment for everyone. More vendors are attending standards meetings, showing an interest in 5G technology, and are creating compelling products. Another member asked how law enforcement will be able to create geo-definable fences during investigations. Mr. Coon stated the benefits of smaller network cells is the ability to be more specific in a search area. It may be easier to identify who was on the network at a given time. A consequence of smaller cells is that more of them are necessary for a given geographic area. Providers are concerned about the administrative burden of keeping records associated with more cells.

Mr. Derrick Driscoll provided the Report of the EAB Administrative Subcommittee. Mr. Driscoll acknowledged that Edmond Zabin's quick approval by the Attorney General was likely a direct result of the new streamlined process the EAB is using to communicate with the Office of the Deputy Attorney General. Chairman Grubbs' ability to communicate directly with the Department of Justice expedites communications and the approval of Board nominees. Mr. Driscoll expressed the need to use the same streamlined process to submit the Second Report to the Attorney General. Mr. Driscoll turned the floor over to Technology Subcommittee Chairman, Mr. Michael Sachs, to speak about the Report.

Mr. Sachs stated the Report provided general categories of challenges and possible solutions. Two of the many challenges the Report covered is the growing diversification of industry. Mr. Sachs said many providers have standardized data available and providers have been very good at collecting data and providing it to law enforcement because they are subject to the requirements of CALEA. Mr. Sachs acknowledged that tools exist that work for law enforcement to collect and parse data. However, when providers change the data format, it creates a lag time for law enforcement. He stated response times to legal process are often prolonged and investigations are negatively impacted when information is not received until months after a request is submitted. Mr. Sachs communicated that solutions for these challenges require both resources and funding. He further stated the Report does a great job quantifying what the NDCAC means to the law enforcement community. Mr. Sachs turned the floor back over to Administrative Subcommittee Chairman, Mr. Derrick Driscoll. Mr. Driscoll solicited the group for questions, edits, or comments about the Report to the Attorney General before continuing with the Administrative Subcommittee Report.

Mr. Driscoll returned to the potential duplication of efforts in the event the Department considers establishing another advisory board. The Subcommittee believes the EAB could offer to assist with overarching policies, communication engagement, and legislative proposal review that impact “Going Dark” and the work done by the NDCAC. A member agreed with the statement, stating the Board was in a good position to assist with engagement, policies, and proposals. When asked by Mr. Driscoll, Director Paglino said the recommendation could be added to the Report to the Attorney General.

Mr. Driscoll took a moment to introduce Mr. Jeff Tyler of the United States Marshals Service (USMS) as the USMS nominee to replace him on the Board. He stated if approved by the Attorney General, Mr. Tyler will be an integral part of the Board. Mr. Driscoll continued with an update on the NDCAC Deputy Director position. The DEA is currently searching for a replacement for Mr. Remspecher under the direction of the Administrative Subcommittee. Chairman Grubbs stated the DEA went through the internal process to identify potential candidates and currently has a list of highly qualified candidates for the position. The DEA will provide the Subcommittee with the list of names soon so the DEA’s internal career board can approve the new NDCAC Deputy Director in June. Chairman Grubbs confirmed all the candidates are local to the area so they should be able to report to the NDCAC quickly.

Mr. Driscoll proceeded to speak about the NDCAC Director position. The Director of the NDCAC, Marybeth Paglino was approved in 2016 for a three-year term. Mr. Driscoll stated that Director Paglino’s term will expire in December and with the next Board meeting scheduled so late in the year, he urged the discussion of endorsing Director Paglino for another three-year term take place at the current meeting. Mr. Driscoll stated Ms. Paglino was instrumental in the establishment of the NDCAC and, as Interim Director, led the NDCAC since before it first opened in early 2013. Director Paglino has overseen the growth and maturation of NDCAC programs that provide support to the law enforcement community, supervised the development of training to law enforcement and prosecutorial communities, as well as the growth in the number of NDCAC clients to over 20,000. Mr. Driscoll stated that over the last three years, Director Paglino worked tirelessly to advocate for the entire law enforcement community through her intent focus on building and leading the NDCAC. Members of the Administrative

Subcommittee previously recognized Director Paglino as an instrumental force in getting the NDCAC off the ground and today, the members of the Administrative Subcommittee recognize her as the primary reason the NDCAC has been successful in becoming a critically important resource for law enforcement. As a former FBI Special Agent with more than thirty years of experience, Director Paglino understands the technical challenges faced by law enforcement and the realities of how communications services and devices impact investigations. She developed and implemented the strategic roadmap for the NDCAC and its constituent programs and has worked tirelessly to educate and coordinate the efforts of the law enforcement community. Director Paglino has ensured the exchange of information among federal, state, tribal and local law enforcement agencies regarding lawfully-authorized electronic surveillance capabilities, evidence collection on communications devices, and technical location capabilities; enhanced the relationships between law enforcement and the communications industry; and has implemented a capable infrastructure that maintains an external focus to represent law enforcement stakeholders. Mr. Driscoll concluded, stating the Administrative Subcommittee knows that Director Paglino has all the qualities required of NDCAC Director and possesses all the essential qualities to continue to manage the NDCAC, inform the EAB, and assist the law enforcement community.

Mr. Grigg indicated the data spoke for itself and he agreed Ms. Paglino is the best person for the position of NDCAC Director. Mr. Driscoll expressed the Administrative Subcommittee unanimously agreed and recommended the EAB re-nominate Ms. Paglino as the Director of the NDCAC for a second three-year term. Mr. Driscoll as Chair of the Administrative Subcommittee urged the EAB recommend to the Attorney General that Ms. Paglino be re-appointed as the NDCAC Director. A motion to accept the recommendation was made and seconded. The members of the EAB unanimously approved the recommendation. Mr. Driscoll stated the Administrative Subcommittee would work on writing a formal recommendation.

Director Paglino informed the Board the executive level talking points (See Appendix G) requested at the last meeting could be found in their meeting folders. A member asked that the talking points be emailed to each member; Director Paglino stated they would receive the talking points through email in addition to the hard copy in their folders.

Chairman Grubbs moved to the last item on the agenda, the acknowledgement of comments submitted by interested parties in response to the public notice of the meeting. Ms. Bardney-Boose informed the group that no comments had been received. Chairman Grubbs stated that he is going to ask the DEA Administrator to speak at the next Board meeting before turning the floor over to DFO Bardney-Boose for closing remarks.

Ms. Bardney-Boose briefly discussed administrative items including possible dates for the next EAB meeting. DFO Bardney-Boose stated the fall Board meeting will take place on November 19, 2019 or November 20, 2019 and the spring Board meeting will take place on April 7, 2020 or May 5, 2020. She asked that all members reach out to her if any of the dates conflict with their current schedules. DFO Bardney-Boose thanked members for participating and adjourned the meeting.

Appendices cited in these minutes are available separately.