

**U.S. Department of Justice**



National Domestic Communications Assistance Center  
Executive Advisory Board  
Meeting Minutes  
May 17, 2017

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**Appendix A**



# National Domestic Communications Assistance Center

## Executive Advisory Board

May 17, 2017

### **Call to Order – Welcome and Introduction**

Peter Modafferi, *Chairman*

### **Introduction of EAB Members**

### **Chairman's Remarks**

Peter Modafferi, *Chairman*

### **Description of NDCAC Resources**

Marybeth Paglino, *NDCAC Director*

- Historical perspective of budget, current status, future expectations

### **Open Discussion on the NDCAC**

Preston Grubbs, *Vice Chairman*

- Shaping the goals and mission of the NDCAC
- Providing advice and guidance to the Director of the NDCAC
- Managing resources to accomplish the mission
- Providing insight into the diverse nature of jurisdiction-specific statutes and agency policies and procedures

### **EAB Report to the Attorney General**

Peter Modafferi, *Chairman*

### **Report of the Administrative Subcommittee**

Mr. Derrick Driscoll, *Subcommittee Member*

### **Establishment of Technology Subcommittee**

Peter Modafferi, *Chairman*

### **Acknowledgement of Submitted Comments**

Peter Modafferi, *Chairman*

### **Adjournment**

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**Appendix B**



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<b>NDCAC EAB Members</b>		
<b>Name</b>	<b>Title</b>	<b>Organization</b>
Alice Bardney-Boose†	Designated Federal Officer	Federal Bureau of Investigation
David Bowers	Inspector in Charge, Security & Crime Prevention	US Postal Inspection Service
Christopher Bubb†	Office of the General Counsel (OGC)	Federal Bureau of Investigation
James A Cannon	Sheriff, Charleston County Sheriff's Office	Major County Sheriffs
Thomas Chittum	Chief, Special Operations Division	Bureau of Alcohol, Tobacco, and Firearms
Derrick Driscoll	Assistant Director, Investigative Operations Division	US Marshals Service
Alysa Erichs	Assistant Director, Information Management	Immigration and Customs Enforcement
Preston Grubbs	Assistant Administrator, Operational Support Division	Drug Enforcement Administration
G. Clayton Grigg*	Deputy Assistant Director, Operational Technology Division	Federal Bureau of Investigation
Patrick Haggan	First Assistant District Attorney, Suffolk County DA	National District Attorney's Association
Mark A. Keel**	Chief, South Carolina Law Enforcement Division	Association of State Criminal Investigative Agencies
Lenny Millholland**	Sheriff, Frederick County Sheriff's Office	National Sheriffs Association
Peter Modafferi	Chief of Detectives, Rockland County DA's Office	International Association of Chiefs of Police
Robert Novy	Deputy Assistant Director, Office of Investigations	US Secret Service
Michael Sachs	Executive Assistant District Attorney, County of New York District Attorney's Office	Association of Prosecuting Attorneys
James Saunders**	Director, Investigative Operations, Iowa Department of Public Safety	National Narcotics Officers' Associations' Coalition
Henry Stawinski	Chief of Police, Prince George's County	Major City Chiefs
Peter Winn	Chief Privacy and Civil Liberties Officer, ODAG	Department of Justice

† - Non-Voting Member

\* - Nominee to Board

\*\* - Not in Attendance

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**Appendix C**



## U.S. Department of Justice

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### Members of the Public in Attendance

Robert Alexander  
Frank DelRe  
Anthony DiClemente  
Rusty Payne  
Michelle Richardson  
Christian Troncoso

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**Appendix D**



# National Domestic Communications Assistance Center (NDCAC)

Program Update

Marybeth Paglino  
Director, NDCAC

May 17, 2017





# Technical Resource Group

- Provide assistance and technical referrals to law enforcement clients – currently more than 12,000
- Six month trend in number of clients: increase of 1,246
- Types of calls handled by the TRG
  - Assisting in correlating service provider information
  - Interpretation of provider call detail records
  - Cell tower information
- Number of requests over the last six months: 3,131



# Technology Sharing

- Share tools and technical solutions with the law enforcement community
- Work with members of law enforcement to identify, leverage, and develop innovative and effective technical solutions
- Identify and clarify the technical capabilities and features that law enforcement views as important to accomplishing its mission



# Technology Sharing – Tools

- An investigative resource and fully searchable tool to locate cell sites/towers throughout the United States
- An application that provides a simple interface to process, compare and display one or more call detail reports using common data fields
- A software application and graphical user interface designed for electronic surveillance presentation and viewing
- A tool to read Internet Protocol (IP) addresses and parse out relevant information and create a report with quick to read statistics and IP ownership information
- Software application for social media files provided in response to legal demands



# Technology Sharing – Tools

- A tool to assist with open source research utilizing numerous social media platforms
- A tool to facilitate law enforcement's understanding of returns involving cloud-based backups
- Make commercially available tools more widely available
- *Upcoming* - A preview tool that enables investigators to safely review evidentiary data found on a variety of digital media in a write protected environment



# Training

- Provide a comprehensive curriculum to educate law enforcement on new and emerging services and technologies:
  - Leverage existing training opportunities and making them available to State and Local Law Enforcement
  - Develop in-house training curriculum to fill gaps that exist in existing communication training programs
  - Conduct regional outreach to familiarize the law enforcement community with the assistance available through the NDCAC



# Training

- Since its inception, the NDCAC has provided training to approximately 6,000 law enforcement representatives
  - Onsite classes have hosted more than 1,200 students from 400+ State and local agencies
  - Regional classes have hosted nearly 4,700 students from 1000+ State and local agencies
- This Fiscal Year, the NDCAC has hosted 974 law enforcement representatives
  - 293 onsite students
  - 681 students in regional classes



# Training - Courses

- “Modern Internet Communication Services Course” provides students with an understanding of new communication services and technologies that enhances criminal investigative techniques and promotes best practices across the law enforcement community
- “Understanding Investigative Techniques for Modern Telecommunications,” equips law enforcement with basic skills such as cellular data record analysis, geospatial mapping, and cell site analysis
- NEW - “Best Practices – Collection / Seizure of Mobile Devices” provides first responders and investigators a basic understanding of methodologies and procedures to collect and seize mobile devices



# Training - Courses

- Regional law enforcement outreach training to expose the community to the NDCAC's capabilities and services
- Examples of courses leveraged by the NDCAC include:
  - FBI Cellular Analysis Survey Team
  - DEA Social Media course
  - US Secret Service – National Computer Forensics Institute Basic Investigation of Computer and Electronic Crimes Program and Basic Mobile Device Investigation





# Website

- The NDCAC's Internet presence is composed of two parts
  - Public facing website: general information about the NDCAC and its role
  - Secure portal: restricted access information repository and focal point for law enforcement and industry collaboration
- Recently re-designed to increase ease of use
- Challenges with access
  - Delays caused by multiple sign-ons
  - Required authentication causes issues with automatic tool updates
  - Confusion between public and secure portals
- Researching options for more streamlined access

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**Appendix E**



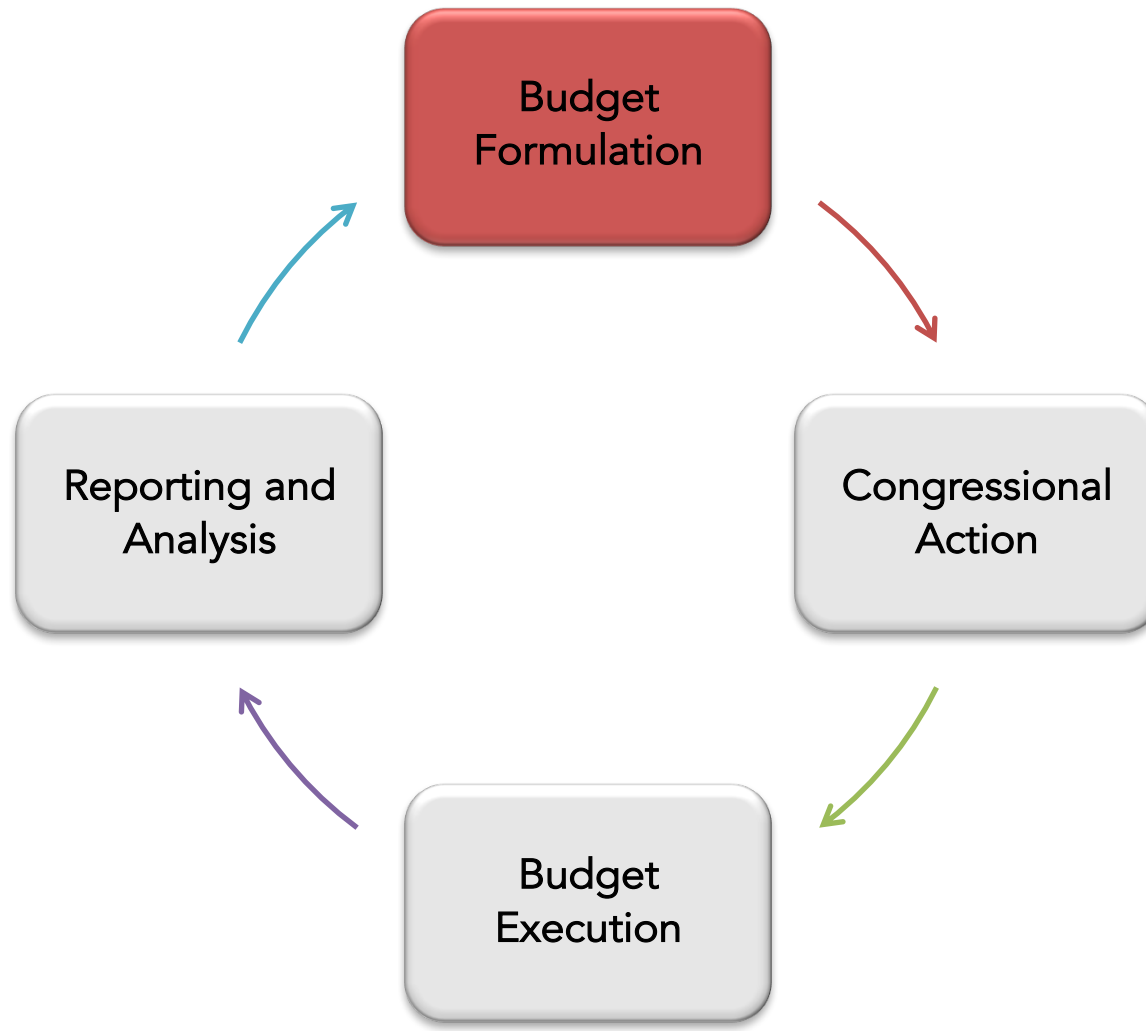
# National Domestic Communications Assistance Center (NDCAC)

*Patrick DeVall*, Section Chief  
Business Administration Section  
Operational Technology Division, FBI

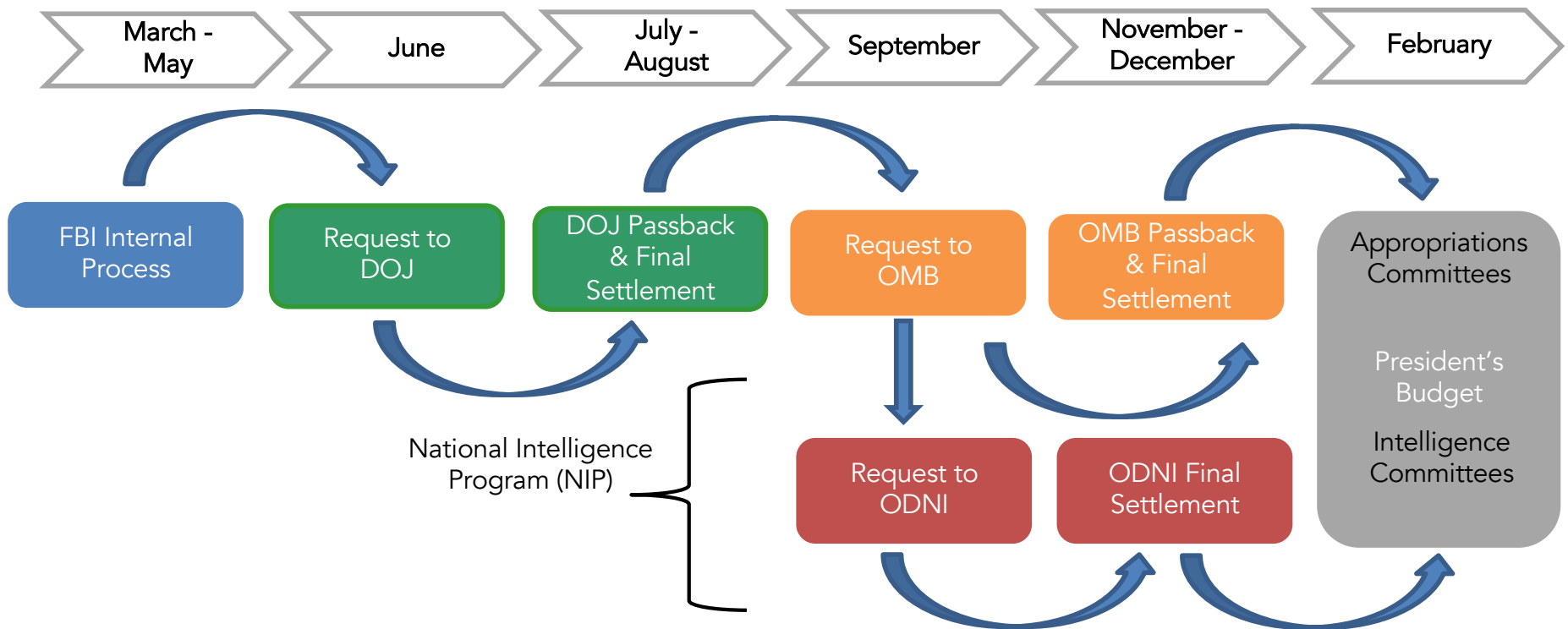
May 17, 2017



# The Circle of Life



# The "Normal" Budget Formulation Process



The FBI begins formulating its budget one and a half to two years in advance of final enactment by Congress and the President

Because of the recent Presidential election, the FY 2018 budget process has been delayed.

# The Budget Process – A Bottom Up View

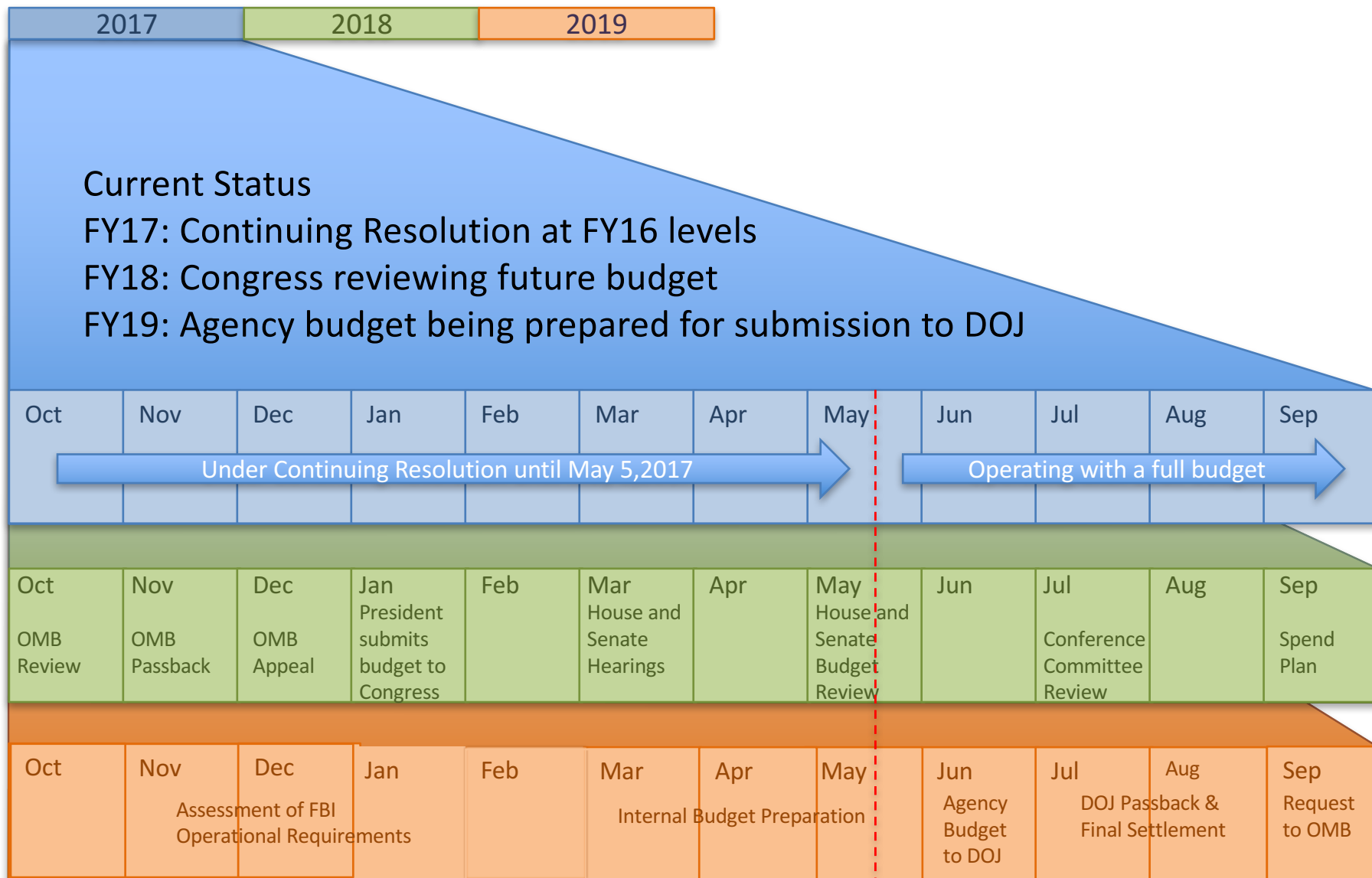


- The FBI receives finances from many sources and processes to include:
  - Annual Appropriations (Salaries and Expenses, Construction)
  - User Fees (Name Checks, Fingerprint Record Processing)
  - Special Projects (Advanced Wireless Services Auctions)
  - Other Government Agencies (Economy Act Transfers)
  - Forfeiture Funds (DOJ Asset Forfeiture Fund)
  - DoJ Working Capital Fund
- Budgetary authority is typically annual (10/01/16 – 09/30/17) but may be No-Year (Available Until Expended) or Multi-Year (2014-2016).
- The FBI's budget execution process manages the current year, Fiscal Year (FY) 2017 and five prior years,  
FY12 – FY16
- The FBI's budget formulation process manages the current year, FY17, and two years forward,  
FY18 and FY19.



# The Budget Process

Fiscal Year





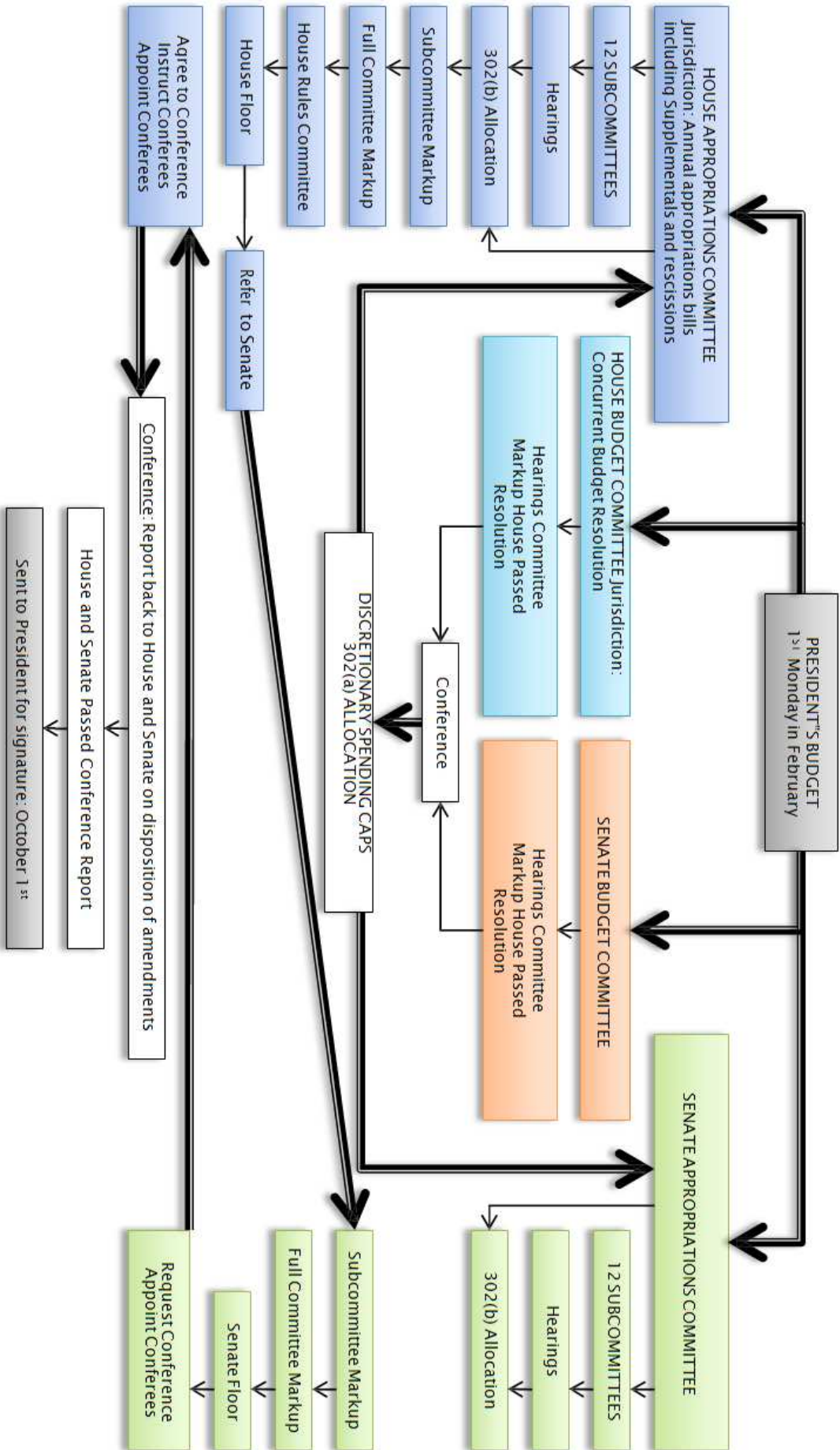
# The Budget Process

During the annual budget cycle, if it has a need, the NDCAC can request additional future funding through the budget formulation process.

- NDCAC Submission
  - OTD Submission
    - Science & Technology Branch Submission
    - Finance Division/FBI Submission
    - Department of Justice Submission
      - Office of the Director of National Intelligence Submission
      - Office of Management and Budget Submission
      - President's Budget Submission
      - Congressional Submissions/Marks/Conference Report
      - Presidential Signature
- In each of the above steps, requests can be either included or eliminated.
- The FBI assesses all Divisional submissions and prepares a Bureau-wide request for submittal to Department of Justice (DOJ).
- DOJ works with FBI through a "passback" process to finalize Agency (DOJ) submission to the Office of Management and Budget (OMB) and ODNI.
- DOJ is the final arbiter of what is included in the submission to OMB and ODNI.
- Office of Management and Budget is part of the Executive Office of the President



## Appropriations Process





# The Budget Process - Congress

- The President and OMB accept budget requests from federal agencies (e.g., DoJ) for submittal to Congress; and decide to either include, eliminate, or adjust requests.
- After the President submits the budget request, the House and Senate Committees on the Budget each write and vote on their own budget resolutions; and decide to either include, eliminate, or adjust requests.
- The House and Senate Appropriations Committees are responsible for determining the precise levels of or allowed spending for all discretionary programs.
- The Appropriations Committees in both the House and Senate are broken down into twelve (12) smaller appropriations subcommittees.
- The full House and Senate then debate and vote on appropriations bills from each of the 12 subcommittees.
- After House and Senate pass their versions of each bill, a conference committee meets to resolve differences between versions.
- After a reconciled version of the bill is created, the House and Senate vote again – on a bill that is identical in both chambers.
- After passing both the House and Senate, each appropriations bill goes to the President for signature.



# Appropriations Sub-Committees

Each one is responsible for the corresponding appropriations bill

1. Agriculture, Rural Development, Food and Drug Administration, and Related Agencies
2. **Commerce, Justice, Science, and Related Agencies**
3. Defense
4. Energy and Water Development
5. Financial Services and General Government
6. Homeland Security
7. Interior, Environment, and Related Agencies
8. Labor, Health and Human Services, Education, and Related Agencies
9. Legislative Branch
10. Military Construction, Veterans Administration, and Related Agencies
11. State, Foreign Operations, and Related Programs
12. Transportation, Housing and Urban Development, and Related Agencies

Omnibus – when all 12 bills are combined into one bill (omni = all)

Minibus – when multiple bills are combined into one



# Budget Reductions

- Budget reductions follow a similar (though reverse order) process to budget submissions.
- Congressional budget decisions are implemented from the top down
  - OMB
  - DOJ
  - FBI
  - OTD
  - NDCAC
- At each stage, reductions are allocated for the level directly below – e.g.:
  - DOJ allocates reductions for the FBI
  - OTD allocates reductions for the NDCAC
- OTD can reallocate funds based on the needs of the Division regardless of budget reduction or increase.
- Sequestration
  - “The sequester” is an across-the-board spending cut designed in 2011 (Budget Control Act).
  - It resulted in \$109 billion of annual spending cuts each year from FY2013 through FY2021.
  - The FBI’s share of the FY2013 budget cut was \$717 million.



# NDCAC Budget

NDCAC's Fiscal Year 2012 budget:	\$ 8,244,000	
NDCAC's Fiscal Year 2013 budget:	13,147,740	Annualization and ATB
NDCAC's Fiscal Year 2014 budget:	12,201,918	Sequestration Cut
NDCAC's Fiscal Year 2015 budget:	12,201,918	
NDCAC's Fiscal Year 2016 budget:	11,701,998	
NDCAC's Fiscal Year 2017 budget:	11,441,998	

- The NDCAC's expenditures include:
  - Contracted personnel
  - Training and travel
  - Conferences



# Budgetary Terms

- **Adjustment to Base** – Funding authorized to support inflationary cost increases.
- **Base** – Permanent recurring funding required to keep an entity at a base line of functioning.
- **Budget Authority** – Authority provided to enter into obligations that will result in outlays of Federal funds.
- **Conference Report** – The compromise product negotiated by the conference committee (between both chambers of Congress).
- **Continuing Resolution (CR)** – Legislation in the form of a joint resolution enacted by Congress to provide budget authority for Federal agencies to continue in operation until the regular appropriations acts are enacted. For FY17: 10/1-12/9, 12/10-4/28, 4/29-5/5, 5/5-9/30 final budget.
- **Enhancement** – An increase in funding to initiate a new program or expand an existing one.
- **Execution** – The spending of funds and associated activities used to monitor obligations and outlays. Follows authorization, apportionment, and allocation.
- **Formulation** -The phase in which the organization drafts its budget and the agency consolidates and prepares the budget for the President and Congress. This is a process used for obtaining funding, personnel, and authorities to support future program needs.
- **Hollow work-year** – A workyear which is authorized but lacks sufficient salary funding to fill. Usually associated with an exercise to cut positions that are not funded.
- **Mark** - The process by which congressional committees and subcommittees debate, amend, and rewrite proposed legislation.
- **Offset** – Resources given up to off set enhancements.
- **Passback** – A list of program enhancements supported, appeal procedures, and questions.
- **Recurring Funding** – The amount of money the program would like to come back after the first year enhancement.
- **Reduction** – A cut in base resources.
- **Rescission** – The cancellation of budget authority previously provided by Congress.
- **Spring Call** – OTD/FBI's internal request for program enhancements to DOJ.

# National Domestic Communications Assistance Center

