



U.S. Department of Justice

National Domestic Communications Assistance Center
Executive Advisory Board



December 7, 2017

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 November 1, 2017 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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National Domestic Communications Assistance Center Executive Advisory Board Meeting Minutes November 1, 2017



The Executive Advisory Board (EAB) of the National Domestic Communications Assistance Center (NDCAC) convened for its third meeting at 9:00 A.M. on November 1, 2017, 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 third meeting and provided a brief overview of meeting logistics. Ms. Bardney-Boose also announced the date for the next NDCAC EAB meeting: April 18, 2018.

Preston Grubbs, Chairman of the NDCAC EAB, provided the group an overview of the meeting agenda (see **Appendix A**) and initiated an introduction of EAB members (see **Appendix B**) after thanking them for attending the meeting. Members of the public were also in attendance (see **Appendix C**). Chairman Grubbs recognized Peter Modafferi, Rockland County District Attorney's Office retired Chief of Detectives and past Chairman of the EAB. He spoke briefly about Mr. Modafferi's commitment to helping State and local law enforcement, his concern with the NDCAC providing support law enforcement and how the NDCAC's tools help investigators in the course of criminal investigations.

Chairman Grubbs discussed the NDCAC Deputy Director position. The position has been advertised and a career board of the Drug Enforcement Administration (DEA) will be held on November 14, 2017 to identify suitable candidates for the Board's consideration. If none of the candidates are selected by the Board for recommendation to the Attorney General, the process will start over.

Chairman Grubbs continued by reviewing the NDCAC mission statement and goals. A motion to accept the NDCAC mission statement and goals was made by EAB members. Members unanimously approved the recommendation. Chairman Grubbs indicated the next step consisted of the development of strategic objectives linked to those goals and that he would undertake the task of drafting those. Marybeth Paglino, NDCAC Director, suggested the EAB's Technical Subcommittee could work on setting milestones linked to the strategic objectives to measure the effectiveness of the NDCAC.

Ms. Paglino presented the EAB with an update highlighting recent activities of the NDCAC and its various constituent programs. Ms. Paglino identified the approximate number of law enforcement clients, the growth over the last six months, and the type of calls routinely handled by the NDCAC's Technical Resource Group (TRG).

Ms. Paglino continued with an overview of the NDCAC's Technology Sharing Program and highlighted the current tools being shared with the law enforcement community. She described

the tools as being law enforcement focused and stated the Technology Sharing Program will continue to update and develop new tools based on law enforcement needs.

Ms. Paglino identified a new course the NDCAC's Training Program developed to train State and local law enforcement officers regarding handling mobile device evidence. In addition, the course is designed in a train-the-trainers format to promote participants instructing their colleagues. She mentioned the first class just concluded and was received well by the participants. Ms. Paglino informed members that an NDCAC regional training class has recently been revamped to include practical investigative exercise. Ms. Paglino also noted the Training Program implemented Computer Based Training (CBT) as a prerequisite for some courses and is developing a new evidence gathering and analysis class for law enforcement.

Ms. Paglino reviewed action items from the previous EAB meeting detailing the progress made. She stated the formation of the Technology Subcommittee is almost complete. An NDCAC background document for new incoming Board members is being finalized and will be sent to the Administrative Subcommittee for review. The EAB's Report to the Attorney General which included a recommendation for a meeting with the Attorney General to discuss issues facing the law enforcement community is in route to the Department of Justice. Ms. Paglino continued with a discussion of the NDCAC website, stating the NDCAC website is ready to migrate from the Law Enforcement Enterprise Portal (LEEP) to a website hosted by the FBI by the end of November 2017. The new access method for the NDCAC website will be less cumbersome and is expected to increase the number of NDCAC clients.

Ms. Paglino initiated a group discussion about a marketing / communications plan. She solicited input to be incorporated into the plan (e.g., locations the NDCAC could visit to raise awareness). Members suggested reaching out to law enforcement associations and organizations to maximize outreach efforts. Ms. Paglino highlighted various associations and organizations (e.g., International Association of the Chiefs of Police, Internet Crimes Against Children Task Force Program) before which the NDCAC has spoken during the past year. Members also suggested presenting at the FBI National Academy, the National Computer Forensics Institute, and participating in High Intensity Drug Trafficking Area (HIDTA) training. Ms. Paglino responded, stating the NDCAC has participated and will continue to participate in HIDTA training. She noted HIDTA has been very supportive of the NDCAC. Ms. Paglino also noted that associations and organizations may find it more beneficial to incorporate specific technical training modules instead of the NDCAC providing a broad overview of the support it can provide.

To further the NDCAC's marketing plan, a member suggested the NDCAC develop one or more "how-to" training videos (e.g., to show investigators basic methods of securing digital evidence at a crime scene). Members agreed more awareness of precautionary steps is needed when on the scene of a crime and suggested short training videos to help investigators handle evidence. Ms. Paglino stated the NDCAC will produce videos to inform and assist law enforcement. Another member mentioned courts are being more restrictive on the time law enforcement is granted to retrieve digital media from electronic devices and suggested training to keep investigators up to date. Ms. Paglino stated that focusing on the large spectrum of jurisdictional issues would be difficult for the NDCAC. She noted NDCAC sponsors a "train the trainer" class for devices that includes a local prosecutor instruct the class on jurisdictional matters. With

respect to an overall communications plan, Ms. Paglino stated one is currently being drafted and will be shared with the EAB's Administrative Subcommittee.

Mr. Derrick Driscoll provided the report of the EAB's Administrative Subcommittee. Mr. Driscoll stated it is time to take the steps necessary to renew the EAB's Charter because the Federal Advisory Committee Act (FACA) limits the time an Advisory Board can be active. The EAB's current Charter was renewed in June 2016 and must be renewed prior to June of 2018. Mr. Driscoll introduced recommended changes that could be made to the Charter based on discussions of the Administrative Subcommittee. The first change is to add the Association of State Criminal Investigative Agencies (ASCIA) to the list of organizations from which State and local members can be nominated. A motion to accept the recommendation was made and seconded. Members of the EAB unanimously approved the recommendation.

Mr. Driscoll introduced the second change recommended by the Administrative Subcommittee - to clarify how and how often the EAB provides advice to the Attorney General. The EAB Charter currently has a provision for the Board to provide on advice on a semi-annual basis to the Attorney General. Mr. Driscoll led the Board in a discussion of the frequency of providing advice - which to date has taken the form of a Report to the Attorney General. Ms. Paglino recommended providing advice on an annual basis unless there is an over-riding critical need. Members agreed with the recommendation. All participants agreed the Report to the Attorney General is an effective mechanism to communicate with the Attorney General. Chairman Grubbs agreed with providing advice annually and suggested sending a formal invitation to the Attorney General or designee to attend the next EAB meeting. A motion to accept the recommendation was made and seconded. Members of the EAB unanimously approved the recommendation.

Ms. Bardney-Boose reviewed the progress of the Technical Subcommittee. All EAB members were encouraged to consider naming a designee to participate in the Technology Subcommittee on behalf of their respective agencies. To date, there have been eleven members identified in addition to Mr. Sachs volunteering for the role of Chairman of the Subcommittee.

Chairman Grubbs opened the floor for any additional comments and recommendations. A Board member stated the NDCAC had been mentioned in numerous recent meetings he attended. These comments were unsolicited and viewed as confirmation that knowledge of the NDCAC is spreading to law enforcement agencies of all sizes.

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.

Ms. Bardney-Boose briefly discussed administrative items including the date of the next EAB meeting. She concluded by thanking the members for participating and adjourned the meeting.

Appendices cited in these minutes are available separately.