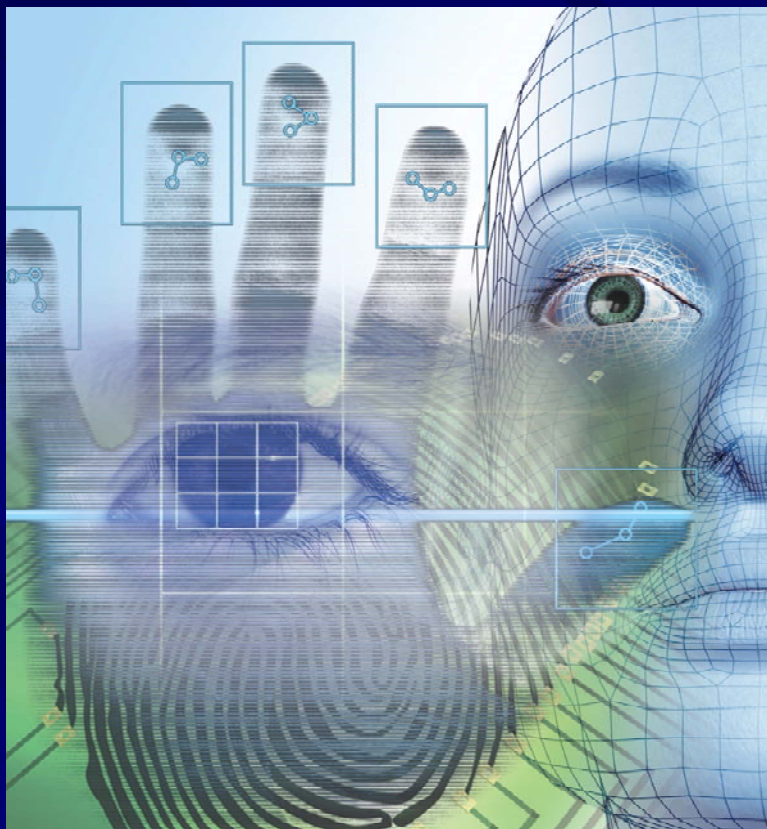


“Strategies For Implementing HSPD - 24”



HSPD -24 From a State and Local Perspective

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HOMELAND SECURITY PRESIDENTIAL DIRECTIVE/HSPD -- 24

■ Purpose

- This directive establishes a framework to ensure that Federal executive departments and agencies (agencies) **use mutually compatible methods and procedures** in the collection, storage, use, analysis, and sharing of biometric and associated biographic and contextual information of individuals in a lawful and appropriate manner, while respecting their information privacy and other legal rights under United States law.

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■ Scope

- (5) This directive **does not impose requirements** on State, local, or tribal authorities or on the private sector. It **does not provide new authority to agencies** for collection, retention, or dissemination of information or for identification and screening activities.

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■ Definitions

- (a) "Biometrics" refers to the measurable biological (anatomical and physiological) and behavioral characteristics that can be used for automated recognition; examples include **fingerprint**, face, and iris recognition; and
 - (NGI- Next Generation Identification: Scars, Marks, and Tattoos)
- (b) "**Interoperability**" refers to the ability of two or more systems or components to exchange information and to use the information that has been exchanged.

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■ Policy

- (11) Through integrated processes and **interoperable** systems, agencies shall, to the fullest extent **permitted by law**, make available to other agencies all biometric and associated biographic and contextual information associated with persons for whom there is an articulable and reasonable basis for suspicion that they pose a threat to national security.

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■ Policy

- (12) All agencies shall execute this directive in a lawful and appropriate manner, respecting the information privacy and other legal rights of individuals under United States law, maintaining data integrity and security, and protecting intelligence sources, methods, activities, and **sensitive law enforcement information**.

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■ Roles and Responsibilities

- (14) **Agencies** shall undertake the roles and responsibilities herein to the **fullest extent permitted by law**, consistent with the policy of this directive, including **appropriate safeguards** for information privacy and other legal rights, and in consultation with State, local, and tribal authorities, where appropriate.

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■ Roles and Responsibilities

- (16) Each of the Secretaries of State, Defense, and Homeland Security, the Attorney General, the DNI, and the heads of other appropriate agencies, shall:
 - (a) Develop and implement **mutually compatible guidelines** for each respective agency for the collection, storage, use, analysis, and sharing of biometric and associated biographic and contextual information, to the **fullest extent practicable, lawful**, and necessary to protect national security;

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■ Roles and Responsibilities

– (16) Each of the Secretaries of State, Defense, and Homeland Security, the Attorney General, the DNI, and the heads of other appropriate agencies, shall:

- b) **Maintain and enhance interoperability** among agency biometric and associated biographic systems, by utilizing common information technology and data standards, protocols, and interfaces;

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■ Roles and Responsibilities

- (16) Each of the Secretaries of State, Defense, and Homeland Security, the Attorney General, the DNI, and the heads of other appropriate agencies, shall:
 - (e) Program for and **budget sufficient resources** to support the development, operation, maintenance, and upgrade of biometric capabilities consistent with this directive and with such instructions as the Director of the Office of Management and Budget may provide; and

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■ Roles and Responsibilities

- (18) The Director of the **Office of Science and Technology Policy**, through the **National Science and Technology Council (NSTC)**, shall coordinate executive branch biometric science and technology policy, **including biometric standards and necessary research, development, and conformance testing programs**. Recommended executive branch biometric standards are contained in the Registry of United States Government

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■ **NTSC (National Science and Technology Council)**

- The National Science and Technology Council (NSTC) was established by Executive Order on November 23, 1993. This Cabinet-level Council is the principal means within the executive branch to coordinate science and technology policy across the diverse entities that make up the Federal research and development enterprise. Chaired by the President, the membership of the NSTC is made up of the Vice President, the Director of the Office of Science and Technology Policy, Cabinet Secretaries and Agency Heads with significant science and technology responsibilities, and other White House officials.

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■ NIST (National Institute of Standards and Technology)

- Founded in 1901, NIST is a non-regulatory federal agency within the U.S. Department of Commerce. NIST's mission is to promote U.S. innovation and industrial competitiveness by advancing measurement science, standards, and technology in ways that enhance economic security and improve our quality of life.

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- 9/11 COMMISSION ACT OF 2007 PUBLIC LAW 110-53—AUG. 3, 2007
 - This law is all-encompassing, and is 286 pages long
 - Law Enforcement Terrorism Prevention Program
 - The Department of Homeland Security (DHS) will establish an Office of State and Local Law Enforcement to serve as a liaison to state, local and tribal (SLT) law enforcement on policy issues
 - DHS will provide support to fusion centers
 - Sharing of information

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■ Local Law Consideration

- Obtained at time of arrest vs. conviction retention
 - Fingerprint
 - Inked record vs. Electronic enrollment
 - DNA
 - Crime categories allowing collection
 - Time of arrest vs. conviction vs. condition of release
- Allowable collections by law
 - Fingerprint Law – Massachusetts “felony or by virtue of process”
 - Medical Examiners Offices – overworked / understaffed / underfunded
- Wiretap Laws
 - 1 party = 33 states
 - 2 party = 16 states
 - Federal Law = 2
- Juveniles

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■ AFIS – Automated Fingerprint Identification System

- Unlike CODIS or NIBIN, AFIS is decentralized
 - Combined DNA Index System
 - National Integrated Ballistics Information Network
- 100's of systems currently in use
- Perceived philosophy
 - Enter Once
 - Search Many

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- AFIS – Automated Fingerprint Identification System
 - AFIS – almost 30 years
 - IAI Conference predicted interoperability by 1995
 - Currently still no interoperability
 - Big Four
 - Can't even get a directory of users
- IAFIS – Integrated Automated Fingerprint Identification System
 - Federal System
 - July 1999 Operational
 - Approximately 56 million records (voluntary system)
- NGI – Next Generation Identification
 - Palmprints
 - Scars, Marks, and Tattoos

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- Standards to be interoperable and the technology to be widely connected have existed for at least a decade
- To the contrary, the capability to search is quite limited and does not provide all the potential that should be exploited for such a powerful tool in our arsenal to fight crime, identify terrorists, and even potentially prevent acts of terrorism

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- Law enforcement managers seem reluctant to permit the open connectivity without understanding the consequences, and rightly so
 - MOU's
- Connectivity/networking/interoperability inadequacies
 - States can't search state to state
 - Some cases within their own state
 - Nor can federal law enforcement search directly against a certain state's files
- All fingerprint records are not centrally located
 - Many reasons why
 - Mobility of criminals

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- Address the need to maintain accuracy of records
 - Image quality issues
- Workload management
 - 24/7 Units
 - Resources
 - Hardware Costs
 - Personnel Costs
- Provide up-to-date information for what each agency can support
 - How many searches will be allowed
- Authentication of record card
 - MOU or Federal Law may be necessary

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■ Information Sharing

- Most information currently coming down is criminal in nature
- “Right to know vs. need to know”
- Most information over classified
 - Sensitive law enforcement information
- Many states have laws concerning information release
 - Reasons allowed
 - What type of information allowed
 - To whom the information may be released to
 - Once out of state surrendering state has no control
 - Penalties may be associated

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■ Recipe for Success

- Adequate resources committed to this endeavor
 - Personnel
 - Hardware
- National legislation/ MOU
 - Standardization
 - SOP's concerning collection and dissemination
- Resolve connectivity / networking / interoperability inadequacies