

ACTION MEMO

DepSec Action _____
USD(P) _____

FOR: SECRETARY OF DEFENSE

FROM: Paul N. Stockton, ASD(HD&ASA)

SUBJECT: Law Enforcement Suspicious Activity Reporting (SAR) System - eGuardian

- This memo recommends that you approve and sign the memorandum directing the Department to begin using eGuardian as the DoD's Law Enforcement SAR system (Tab A).
- In an August 2007 memo, the Deputy Secretary directed the termination of the Threat and Location Observation Notice (TALON) reporting system, which served as DoD's SAR system (Tab B).
 - Media reporting in late 2005 alleged that DoD was 'Spying on Americans'. In light of its image in the Congress and the media, the Deputy determined there was no merit in continuing TALON.
 - This memo emphasized the need to maintain suspicious activity reporting within law enforcement channels, rather than under intelligence control.
- Upon TALON's termination, DoD components were directed to submit reports on suspicious activity using the Federal Bureau Investigation's (FBI's) classified Guardian Reporting System on an interim basis. This reporting continues today.
- The Deputy further directed the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs (ASD(HD&ASA)), to propose a long-term solution for DoD suspicious activity reporting that would ensure privacy protection. The long-term solution should:
 - Provide DoD a single system for documenting, storing and exchanging information on potentials threats and suspicious activity related to DoD personnel, facilities, and forces in transit.
 - Appropriately safeguard civil liberties.

Prepared by: AT/FP, (703) (b)(6)
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- Enable instantaneous dissemination of SAR information among State, local, and tribal law enforcement partners.
- Working with DoD and interagency stakeholders, HD&ASA evaluated 62 potential solutions and determined that the FBI's eGuardian system best fulfills DoD's requirements for an enduring DoD law enforcement SAR system.
 - eGuardian is an unclassified, but secure web-based reporting system.
 - eGuardian is an integral component of the Nationwide SAR Initiative within the Department of Justice SAR-Program Management Office.
 - The Department of Justice identified eGuardian as the single federal SAR system to be deployed to State, local, and tribal law enforcement partners. State fusion centers and Joint Terrorism Task Forces also use eGuardian.
 - Approximately 2,000 users from 608 law enforcement entities currently use eGuardian.
- The FBI took several key steps to ensure eGuardian safeguards civil liberties. FBI:
 - Completed a Privacy Impact Assessment (PIA), which concluded that safeguards built into system sufficiently mitigate risks.
 - Developed procedures that restrict access to law enforcement entities.
 - Designed the system to implement multiple levels of review and automated procedures that flag information for disposal to ensure reports comply with privacy and civil liberties standards.
 - Implemented audit procedures to validate user compliance with established policies.
- In addition to FBI's efforts, we took several additional actions that will safeguard civil liberties when eGuardian is implemented throughout DoD.
 - Only credentialed law enforcement personnel and analyst that support law enforcement will receive access to eGuardian.
 - We arranged for the FBI and the Department of Justice to provide initial and refresher privacy training to DoD personnel with access to eGuardian.

- DoD procedures will add an additional level of quality control to vet reports submitted by DoD users.
- On March 22, 2010, my staff and FBI legal counsel met with ACLU representatives to socialize DoD's intent to adopt eGuardian as our SAR system. The meeting was a free exchange of information concerning DoD's planned implementation and ACLU concerns regarding the protection of individuals privacy and civil liberties.
 - Participants agreed to continue dialogue on civil liberty concerns as we commence phased implementation of eGuardian.
 - FBI will continue to be responsible for addressing all civil liberties questions related to the operation of the eGuardian system.
- Our proposed implementation plan is as follows:
 - Establish DoD-wide SAR policy no later than June 30, 2010.
 - Begin deploying eGuardian no later than September 2010 and complete deployment by February 2012.
 - Deploy the system worldwide to approximately 8000 DoD law enforcement representatives.
 - Phase deployment in 3 month increments by regions within the United States, and then to DoD law enforcement organizations overseas.
 - Assign individual component eGuardian oversight responsibilities to defense criminal investigative organizations (e.g., Army will assign responsibility to their Criminal Investigation Division).
 - Evaluate the need to establish an Executive Agent to manage DoD-wide implementation and funding for eGuardian.
- HD&ASA received \$1.3M in FY2010 and \$1.9M in FY2011 to cover anticipated eGuardian implementation costs. These funds will not cover the entire implementation cost.
 - FY2010 FBI implementation costs will be approximately \$896,000. These costs will cover six end-user support personnel, to include training, and DoD-related continuity of operations requirements.

- We estimate FBI costs will be \$2.9M in FY2011 and \$2.3M in FY2012, which will cover system enhancements to support the large number of DoD users. We expect outyears costs to stabilize or decrease starting in FY2013.
- In addition to FBI funding, there is likely to be a small internal DoD manpower cost to oversee eGuardian use.
- We plan to evaluate the impact of eGuardian using the following measures of effectiveness. We tested these measures during the 2008-2009 eGuardian pilot, which involved 53 active DoD participants from 14 law enforcement locations.
 - *Usage* will measure the number of logons and the number of reports submitted and accessed by DoD users per week.
 - *Usability* will measure user feedback on ability to share information, maintain situational awareness, and ability to search all submitted SARs.
 - *Mission effectiveness* will measure the number of investigations established as a direct result of eGuardian reporting, the number of SARs related to DoD personnel/facilities submitted by non-DoD users, quality of SARs submitted by DoD users, and the timeliness of incident notification to DoD law enforcement components.
- Adopting eGuardian as our law enforcement SAR reporting system addresses a finding within the Independent Review Related to Fort Hood shootings which recommends DoD adopt a common force protection threat reporting system.
- The memo at TAB A directs the Under Secretary of Defense for Policy to establish a plan and issue policy and procedures for the implementation of eGuardian no later than June 30, 2010.

RECOMMENDATION: That you sign the memo at TAB A.

Approve: _____ Disapprove: _____ Other: _____

COORDINATION: TAB C

Attachments:
As stated