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From: (b)(6) & (b)(7)(C)

Sent: Wednesday, February 27, 2008 4:51 PM

To: (b)(6) & (b)(7)(C)

[Redacted]

Subject: Electronic Media (b)(2) & (b)(7)(E)

All,

The issue of (b)(2) & (b)(7)(E) electronic media is a very serious and sensitive issue. Please consider the following information carefully when encountering a situation where electronic media may be (b)(2) & (b)(7)(E).

Any electronic media (cell phones, laptops, blackberries, etc) that is searched, copied or otherwise (b)(2) & (b)(7)(E) must fall within very strict guidelines. With regard to the (b)(2) & (b)(7)(E) program, the electronic media (b)(2) & (b)(7)(E)

Even if a request is made by another agency, you must be able to independently articulate why it is being requested, and if done, who, from Passenger Ops at JFK, is authorizing that action.

(b)(2) & (b)(7)(E) – Under NO CIRCUMSTANCES will the electronic media (b)(2) & (b)(7)(E) in any way without the express authorization of one of the following individuals: (b)(6) & (b)(7)(C)

If you have any questions regarding this topic please do not hesitate to ask. Do not allow any media to be copied, etc. without being absolutely certain that it is being done in a proper manner

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consistent with outstanding guidelines and within our authority.

Also, you are reminded of the issue of detaining electronic media for this purpose. Please see the message below that I sent out last week.

Thank you,

(b)(6) & (b)(7)(C)

Chief Passenger Operations
Customs and Border Protection
JFK International Airport
New York Field Office
Office: (b)(6) & (b)(7)(C)
Cell: (b)(6) & (b)(7)(C)

From: (b)(6) & (b)(7)(C)

Sent: Friday, February 22, 2008 1:29 PM

To: (b)(6) & (b)(7)(C)

[Redacted]

Subject: Detention of Electronic Media Relating to Examinations

All,

The detention of electronic media (cell phones, laptops, etc.) will not be authorized below the level in Passenger Ops. That is to say that IF you feel that the detention of an item, for the purpose of copying, imaging or other transfer of the information contained therein, is appropriate in a given situation, you MUST seek the concurrence of (b)(6) & (b)(7)(C). This policy must be strictly adhered to.

Thank you,

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(b)(6) & (b)
(7)(C)

Chief Passenger Operations
Customs and Border Protection
JFK International Airport
New York Field Office
Office: (b)(6) & (b)(7)(C)
Cell: (b)(6) & (b)(7)(C)

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From: (b)(6) & (b)(7)(C)

Sent: Wednesday, July 11, 2007 11:56 AM

To: (b)(6) & (b)(7)(C)

Subject: FW: Copying Travelers Documents

Attachments: CopyingTransmittal.doc; CopyingLegal Guidance.doc

(b) (2)

(b)(6) & (b)(7)(C)

Deputy Assistant Area Director
Passenger Operations
JFK Airport
Customs and Border Protection

(b)(6) & (b)(7)(C)

From: (b)(6) & (b)(7)(C)

Sent: Wednesday, July 11, 2007 10:47 AM

To: (b)(6) & (b)(7)(C)

Subject: FW: Copying Travelers Documents

From: (b)(6) & (b)(7)(C)

Sent: Wednesday, July 11, 2007 10:25 AM

To: (b)(6) & (b)(7)(C)

Cc: (b)(6) & (b)(7)(C)

Subject: *Copying Travelers Documents*

As we all know, CBP's data collection capabilities have been widely discussed in the law enforcement community and we have been asked by many various agencies to copy and transmit documentation being carried by travelers for legitimate law enforcement reasons. We have asked CBP/HQ for clarification on our statutory authority to do that, as well as our policies and procedures that govern such interagency cooperative efforts. Attached is some of the guidance that they have worked on, (b)(2) & (b)(7)(E)

HQ OFO and Chief Counsel, along with the Office of Anti-terrorism, are working on preparing a comprehensive CBP Directive that will cover all situations, but that is still in progress. In the meantime, *please share* (b) (2), the attached guidance and

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Transmittal Form. The form itself is still being perfected and this is just an interim document that may be reproduced locally. I will send you another message that contains a MUSTER sheet that is to be used to brief the employees. (b) (2)

In summary, there is no level of suspicion required for CBP officers to review any documentation or electronic devices (b)(2) & (b)(7)(E), except for sealed letter class mail. Additionally, we may copy and transmit any documentation or electronic devices if we need technical assistance to determine if a violation exists, i.e., translation, without any level of suspicion required. Beyond that, we may only copy and transmit documentation or electronic devices (b)(2) & (b)(7)(E) if there is reasonable suspicion that the traveler may be involved with (or the information relates to) terrorist activities or unlawful conduct; or the passenger consents to copying/transmission. If such information, including (b)(2) & (b)(7)(E) is transmitted to another agency, we must utilize the attached document to receipt that transfer.

We anticipate that your officers and supervisors will have excellent questions concerning this guidance and we encourage you to provide those questions to this office as they come up. We will attempt to answer them and also will be forwarding to OFO/HQ who will publish a weekly list of FAQ's covering this topic. *Please forward any questions as they arise to (b)(6) & (b)(7)(C)*, who will coordinate with HQ to ensure our questions are included in the FAQ's and our responses are consistent with national direction.

(b)(2) & (b)(7)(E)

I would like JFK to designate a POC for this effort and advise myself and (b)(6) & (b)(7)(C) who that will be. You should also be considering where you may place a "tech" room for the secure storage of this equipment and begin to determine which officers (as a subset of your (b)(2) & (b)(7)(E) Trained cadre) will be trained in the use of this equipment. This will not be used by all CBPO's, but rather a specific dedicated group. Lastly, if any of your supervisors or officers are familiar with or have been involved with other agencies who have used specific equipment of this nature, please feel free to forward that information to (b)(6) & (b)(7)(C) as well. To date, OFO is working with OIT and LSS to determine which products to invest in and no decisions have been made so input from the field is certainly welcome.

As I indicated above, I anticipate this will engendered a lot of questions, discussion and perhaps push back from some of the agencies that we have been providing this service to. We must continue to cooperate and work with other agencies as this is certainly an effective law enforcement tool, however, we must make sure we do so in a way that is legally sound. I will send the muster message immediately following this message

(b)(6) & (b)(7)(C)

DFO, New York

(b)(6) & (b)(7)(C)

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