

U.S. Department of Homeland Security
Homeland Security Advisory Council Public Teleconference Call
CBP Integrity Advisory Panel and DHS Grant Review Task Force
Final Reports and Recommendations
March 15, 2016

EXECUTIVE SUMMARY

2:00 p.m. to 3:30 p.m.

The open session of the Homeland Security Advisory Council (HSAC) meeting was convened on March 15th, 2016 from 2:00 p.m. to 3:30 p.m. via teleconference call. The meeting was open to members of the public under the provisions of the Federal Advisory Committee Act (FACA), P.L. 92-463 and 5 U.S.C. § 552b.

The following individuals were announced as on the call or present in person:

HSAC Members

Judge William Webster, *Chair*
General John Allen
Norman Augustine
Hon. Ron Barber
Elaine Duke
Marshall Fitz
Elizabeth Holtzman
Jane Holl Lute
Hon. Jim Jones
Juliette Kayyem
Carie Lemack
Wilson “Bill” Livingood
John Magaw
Christian Marrone

David Martin
Walt McNeil
Jeffrey Miller
Ned Norris Jr.
Charles Ramsey
Robert Rose
Lydia Thomas
Elizabeth Harman (*surrogate for Harold Schaitberger*)
Lila Ghosh (*surrogate for Ali Soufan*)
Assistant Chief Matthew Pontillo
(*surrogate for Vice-Chair Commissioner William Bratton*)

CBP Integrity Advisory Panel Members

Karen Tandy, Co-Chair
Judge Robert Bonner
Chief Roberto Villasenor

DHS Grant Review Task Force Members

Michael Masters, Co-Chair
Kim Burgo
Chief Ronald Haddad

John Hodson
Commander David Robinson

DHS Participants

Sarah Morgenthau, Executive Director, Homeland Security Advisory Council, DHS
Rene Hanna, Deputy Chief of Staff (Policy), Office of the Commissioner, CBP

Lewis Roach, Deputy Director, Office of Policy, CBP
Clint Lamm, Labor and Employee Relations Advisor, CBP
Chris Logan, Deputy Assistant Administrator, Grant Programs Directorate, FEMA
Robert Schweitzer, Senior Policy Advisor, Protection and National Preparedness, FEMA
Heather Fong, Assistant Secretary, Office of State and Local Law Enforcement, DHS
John Iorio, Policy Advisor, Office of State and Local Law Enforcement, DHS

Coordinator:

Welcome and thank you for standing by. At this time all participants are in a listen-only mode. During the question and answer session please press Star 1 on your touchtone phone if you'd like to ask a question.

Today's conference is being recorded, if you have any objections please disconnect at this time. I'd like to turn the meeting over to your host - at any time you may begin.

Sarah Morgenthau:

Thank you and good afternoon everyone and thank you for joining us today. This is Sarah Morgenthau, and I am the Executive Director of the Homeland Security Advisory Council.

We'd like to welcome members of the Customs and Border Protection Integrity Advisory Panel and the DHS Grant Review Task Force as well as Senior Leadership from the Department of Homeland Security, the US Customs and Border Protection, the Federal Emergency Management Agency and other participants on the call this afternoon.

The meeting is convened pursuant to a notice that appeared in the Federal Register on February 23, 2016. As way of background, the Homeland Security Advisory Council or (HSAC) is one of 27 federal advisory committees at the Department of Homeland Security. Under the Federal Advisory Committee Act these meetings are open to the public. The executive summary and meeting minutes will be posted on the DHS website at www.DHS.gov, and the public FACA database within 90 days of today's meeting.

The Homeland Security Advisory Council is the Secretary's go to a group of senior advisors, his kitchen cabinet so to speak. He relies on all of you to provide candid feedback, keep him on track and to provide a vehicle to allow in fresh ideas.

We will begin by hearing from two subcommittees on the Homeland Security Advisory Council. The CBP Integrity Advisory Panel and the DHS Grant Review Task Force will be reporting out on their recommendations today.

For members of the public, we will open up the lines for comments after both have finished presenting their reports. After the public comments, we will close the line so the Council members can deliberate and vote on the recommendations.

Following the votes on the recommendations the Council chair, Judge William Webster, will read a letter from the Council members expressing support for Secretary Johnson's recent

remarks on countering violent extremism. The Council will then deliberate on the letter and vote to transmit it to Secretary Johnson.

For the record, we have 25 members participating in today's meeting, which is a quorum. I will now turn it over to the Chairman of the Council, Judge William Webster.

Judge William Webster:

Good afternoon and thank you Sarah. My name is William Webster, Chairman of the Homeland Security Advisory Council or HSAC for short as we know it.

I hereby convene this meeting. This is a public teleconference call of the Homeland Security Advisory Council. We appreciate those members of the public, the Government, and the media who have joined us.

I would also like to welcome the members of the Council, and the members of the CBP Integrity Advisory Panel and the DHS Grant Review Task Force who are on the call today. I'll now turn it over to Karen Tandy, the CBP Integrity Advisory Panel Co-Chair, to brief on their final report and recommendations.

Karen Tandy:

Good afternoon, thank you Judge Webster and Sarah. I'm Karen Tandy and as the Judge has noted I am the Co-Chair of the CBP Integrity Advisory Panel along with Police Commissioner William Bratton of the New York Police Department.

We have a Panel of nine members and because it is the final report I want to take note of our membership on this Panel and along with Commissioner Bratton thank the members of this Panel for extraordinary service to the HSAC and to the Secretary of Homeland Security for the past year.

I really want to call out these extraordinary men on this Panel with Commissioner Bratton and me. Ron Barber - Congressman Ron Barber, Judge Rob Bonner, Rick Fuentes, John Magaw, Walt McNeil, Paul Stockton, Roberto Villasenor, and of course our Ex-Officio member Judge Webster.

It is no less valuable and critical to the success of the work of this Panel that we were lucky enough to have Matt Pontillo, the Assistant Chief of NYPD and Patrick Thornton, the Captain of the New Jersey State Police assisting us throughout.

I think it's important to understand as you look at this rather lengthy report where these recommendations came from. The members of this Panel include four members of the HSAC including one who's a former congressman. Seven of the members of this Panel are current or former leaders of federal, state, and local enforcement.

The leadership of the members of this Panel include as we know the head of the NYPD, the head of the New Jersey State Police, former president of the International Association of Chiefs of Police, the chief of the Police Department for Tucson, Arizona who also was appointed by

President Obama to serve on his Task Force For 21st Century Policing, former Assistant Secretary of the Department of Defense, two former heads of DEA, one U.S. district judge, and Judge Webster you make two and a U.S. Attorney, the director of FEMA, the director of ATF, the director of Secret Service, undersecretary for security at the Department of Transportation. That is the background of your Panel that created this final report.

With that let me just put into historical context, it was December 2014 when Secretary Johnson asked the HSAC to create the CBP Integrity Advisory Panel and provided for this Panel a roadmap of what the Secretary expected from the Panel. Essentially as you look at the report there are six areas that the Secretary asked for the Panel to make findings and recommendations based on its experience and best practices in the various six areas.

We filed an interim report on June 29th last year - 2015, and that report, as an interim report, was very limited, and this report is now our final report. The two reports should be considered and read together. I will not repeat the findings and recommendations of the interim report. We have 39 recommendations in this report which I know people have had an opportunity to read so I won't go into the 39 recommendations in depth, but I will highlight some of those.

Before I do so I think it's very important to put in perspective the recommendations and findings of this Panel. Important to this perspective is that this Panel has been focused on helping the Homeland Security Advisory Council and the Secretary of Homeland Security in those specific areas and one of its important agencies Customs and Border Protection, and this agency's attempt to improve its systems and procedures as it matures after its very recent creation in 2003.

Of all of the law enforcement departments around this country they are the least mature in terms of a single agency having been created in less than 15 years. The men and women of the Customs and Border Protection -- who number 60,000 of which 44,000 are sworn law enforcement -- the men and women of this Panel will tell you are highly motivated, they are professional and they care deeply about their mission across the board in this agency.

The purpose of the Panel was to look at the given six areas but before we address in closer detail our recommendations I want to highlight one thing that I think puts everything into perspective. There was a complaint management system that has been piloted by Commissioner Kerlikowske; that the complaint management system has been widely piloted over I think it was created in 2009 and piloted in many places since then and shortly will be rolled out across agency-wide. Throughout that pilot it's important to note that of the 250,000 annual calls and e-mails that CBP received under that pilot program only 8% of those quarter of a million annual calls and e-mails related to any professional issues of CBP, and it was even smaller than 8%, a smaller number, that warranted any internal affairs investigation or potential discipline.

CBP clears about a million people on average every single day who are trying to enter this country, and I note that last year, of that million a day that were cleared, there was a total last year of 236,953 foreign nationals who were denied admission into the U.S. by CBP at its ports of entry.

So with that, the Panel is convinced that CBP is on the right track, it has embraced the Panel's quest for information with substantial briefings and material and the leadership of CBP is devoted to improving this agency. Our recommendations if they're followed would certainly eliminate the risk of endemic corruption taking root in this agency. It also will make the use of unlawful and unconstitutional use of force by CBP a rarity, and lastly it will make this agency the model that it actually wants to be in terms of transparency regarding use of force incidents and openness to public complaints.

When I look at the recommendations, and I will take these in the order that they are presented in the report, I will highlight a few of them; that is not to diminish all 39 but to highlight those that are worthy of a second look by people. In the past when you look at assuring integrity CBP has focused more on reacting to integrity issues. The recommendations of this Panel are that it now complement in reactive focus with a redoubling of a proactive focus towards assuring integrity.

The agency has some very fine systems that we have outlined and in some respects under this category of recommendations it is about deepening, widening, and expanding these systems. I will point out that blue force tracking, which is the ability to track the resources of this agency, is something that has been piloted by this agency already. We encourage the expansion of blue force tracking beyond its pilot phase as soon as possible.

The integrity officer program that's in place for the Office of Field Operations -- we encourage its expansion to include the U.S. Border Patrol as well. There's one recommendation involving a one-year probationary period I want to highlight as well. There was an internship program in CBP's recent past that was discontinued in 2011.

As part of that internship program there was a 2-year probationary period for CBP employees in particular law enforcement, and that was when that internship program was eliminated by an executive order that the 2-year probationary period reverted to 1 year.

It is of concern to the Panel that when you look at the training schedule half of that 1-year probationary period involves the time spent in training and in not in their field assignments. The Panel recommends that steps be taken to restore a 2-year probationary period for obvious reasons to ensure that before all of the rights attach to an employee that they have had an opportunity to be observed and their performance validated.

A polygraph program has been in place and was mandated in 2012 for post-employment polygraphs for new hires - excuse me for new hire polygraphs. The Panel recommends again going towards deterrence that the agency consider post-employment polygraphs that are random and targeted, as is done in certain agencies. We also note that the technology - the IT platforms for CBP, which I know there is a working group on in CBP, are desperately in need of upgrading and replacing if it can't be upgraded so that essentially all the systems are integrated and capable of talking to each other, which they are not now.

In streamlining the discipline process I will note, much has been written about the discipline process. There is a separate consulting report focused on the disciplinary process of CBP and that has been footnoted throughout this report. We essentially - the Panel and the outside consulting

service on discipline -- reached many of the same conclusions and essentially the discipline overall is just too lengthy. It is the overarching issue that plagues CBP. The disciplinary process on average is a year and a half from the beginning to the end and that's an average -- some take longer.

The disciplinary process has been - there are multiple layers, it is fragmented, inconsistent processes for submitting complaints and tracking and resolving. The Commissioner has taken a number of steps to improve that process. I know that our companion consulting group that I've referred to issued their report at the end of November and steps were already underway to improve the disciplinary process.

It needs focused attention at the highest levels of CBP as is reflected in our recommendations. Among those recommendations we would note the recommendation to centralize the role of the deciding official at CBP headquarters within a small number of deciding officials and to place one person... Although the Commissioner has a management team at the top that are trying to bring these fragment overlapping pieces together, it is our view that there should be one sufficiently high level official at a minimum of GS 15 or preferably an (SES) level who reports to the Commissioner and is responsible for overseeing all stages of the disciplinary system and to keep it on track.

I think noteworthy among the recommendations on discipline is that the Panel has taken the step that is, in its view, important and consistent with other agencies in the national security realm, and that is, that the CBP law enforcement personnel - the 44,000 sworn officers -- should be placed into Excepted Service.

The Panel's view was not unanimous. There is one dissenting opinion on this that's reflected in the report without... With regard to the view of the Panel, absent that one dissenting view, it is that Excepted Service will address the disciplinary lengths. It will also put CBP on the same footing as other national security agencies to include 14 security-related agencies employees who are in the Excepted Service. And, I would say most notably within the Department of Homeland Security, those agencies include ICE, Homeland Security Investigators, the TSA screeners, uniformed Secret Service. So, it is the Panel's view that CBP is behind the curve in not being included as a national security service with its fellow agencies who are performing the same mission in the Excepted Service.

Under improving CBP's receipt, tracking and response to complaints, I would note this is an area that we have spent time on in our interim report as well as obviously this one. And, chiefly among the recommendations, I would single out the need for CBP's Internal Affairs, which is now known as the Office of Professional Responsibility and was so named literally as the ink was starting to dry on our report.

So, we have for consistency left it as internal affairs although that is not its name going forward. And, our view has been that a Memorandum of Understanding needs to be reached between the Office of the Inspector General of the Department of Homeland Security and CBP Internal Affairs as quickly as possible to address essentially the accountability and responsibility for

misconduct investigations of CBP personnel, those that are appropriately within the purview of the inspector general, and those that should now be deferred to CBP's internal affairs division.

This MOU we understand is underway, it has not been concluded. It is a matter of concern that the interim report raised the management directive and singled this out as an urgent issue in June and we still do not see substantial progress on that front.

The other areas for the complaints -- I would just note that the Commissioner is planning - the CBP commissioner is planning to implement his complaint management system throughout the entire agency, which we heartily endorse. There are a number of areas that need addressing: creating a self-reporting incident form, setting forth the rules of the road very clearly about the need for immediate self-reporting for any misconduct, setting forth clear timelines on the process for that as well, and I would just note delivering training on on-the-job resources to the supervisors as to how they appropriately should address performance and conduct issues.

There is some overlap here with the citizen complaint form which I will address under transparency. I will note that there were additional recommendations involving the interior checkpoints, and I will just quickly note on that there are 34 permanent checkpoints on highways within 60 miles of the southwest border.

Those checkpoints right now are operated by the U.S. Border Patrol and it is the Panel's recommendation that consistent with the skill sets of the Office of Field Operations -- customs officers, the blue uniform officers at the ports of entry -- these checkpoints should be considered and reevaluated since mostly the people who are coming through these checkpoints have entered the U.S., and they are here lawfully.

The port of entry process followed by customs officers is more akin to the checkpoint operations. And, consistent with their port of entry operations, from that standpoint, we think that bears closer examination and potential restructuring but not without recognizing that that will cause administrative issues at a minimum. The overall operational responsibility for the checkpoints, because of the lateral enforcement, we recommend stay with CBP's border patrol.

"Using task forces to investigate border corruption". There is a model in southern Arizona of the Border Corruption Task Forces. The FBI, who we spoke with, views this as a model. It has worked very well, in part, because it includes coordination and active participation by the Department of Homeland Security Office of Inspector General as well as the ICE OPR and CBP's Internal Affairs.

Overall, there are 22 Border Corruption Task Forces and Working Groups, and CBP participates in all but 4. The Panel recommends that the CBP participate in all 22 and that participation should be modeled after the Southern Arizona Border Corruption Task Force.

On "Enhancing Transparency and Stakeholder Outreach" - on behalf of the Panel, I can tell you that we gleaned a great deal from sitting with the NGOs, who we have talked with by phone and met with in person multiple times over the past year, and lastly, during our border trip to Tucson and the Nogales Port of Entry, when we met with a number of NGOs in a round table there.

I would say that probably the biggest takeaway was that the NGOs have good ideas and they appreciate the approach, the outreach of the Commissioner of CBP and give him high marks. A disconnect has been from a headquarters level to the field level, and we see that disconnect as easily repaired, especially with the steps that have now been taken by the Commissioner to provide structure and oversight and placing people who directly report to him with responsibility for the same.

There is a cultural concern that was raised, and significantly raised, by the NGOs that we address in our report and I commend the reading of that to everyone. On transparency, not just in this section but throughout, you will see that the Panel has recommended that many reports and information be either posted on the CBP website or published. CBP is undertaking already to publish many reports. It has undertaken, immediately after our sit down with the NGOs in January, to improve the navigability of the CBP website for the purposes of filing complaints.

So, we recognize that changing a culture for the largest law enforcement agency in this land -- that has been cobbled together since 2003 and is defined by the misconduct of a relatively few number of people -- is very difficult, but with the steps of transparency that are underway in the structure and the reporting at the highest levels to the Commissioner, we are optimistic that the view of the culture of this agency will change.

Lastly, two small areas -- not small, they're equal recommendations -- but I would just point out on use of force, which we reported on our interim report on use of force, there were a few additional recommendations and essentially it is about taking the data on use of force, pushing that out, analyzing it, and developing metrics to red flag those officers and agents who are at the greatest risk, and taking steps accordingly to prevent use of force that might be unconstitutional.

On body worn cameras, again yet another pilot project that the - has been actively underway and issued a report recently in the past several months. On the body worn cameras and camera technology, the Panel notes that the pilot project and findings of the working group are consistent where with the Panel thinks that the agency should be headed and suggest that additional protocols be developed for supervisory review, internal audits, and random sampling of body worn camera and other camera technology recordings to ensure that policy is actually being followed. And obviously in a field of vastly swift moving technology advances that is an area that CBP needs to stay constantly vigilant to ensure that it is up with the current technology.

That concludes a not so brief overview of the Customs and Border Protection Integrity Panel's Final Report, and with that, I now join Commissioner Bratton in thanking the HSAC for the privilege of providing our insight and guidance, and to the Secretary of the Department of Homeland Security for his forward leaning request that this Panel be created and with the forward leaning outline of areas that he wanted his Panel to cover and to address publicly. Thank you.

Judge William Webster:

Thank you very much Karen very helpful. We'll now hear from the DHS Grant Review Task Force. We have Bill Livingood, Michael Masters, Elaine Duke, and Juliette Kayyem. Bill will you take it from here?

Bill Livingood:

Thank you, Judge Webster, appreciate that and we appreciate all that you do for this Homeland Security Advisory Council.

Good afternoon fellow members of the Council, Department leadership, my fellow Task Force members as well as guests. My name is Bill Livingood and I serve as the Chair of the Council's grant task force.

Before we get started I would like to offer several acknowledgements. First and foremost I would like to thank the Executive Director of the Homeland Security Advisory Council and her staff, and the Secretary of Homeland Security for their dedication and commitment to the Council and his members.

Secondly I want to thank DHS, FEMA, and the leadership of both for their support of this Task Force. It has been a tremendous partnership and we are most gracious for their support. I would like also to thank the Task Force co-chairs and sub tasking leads and all the members for their contributions throughout this effort.

Lastly I would like to thank the many partners and stakeholders for their time and input to make this report possible. I will now turn the floor over to my Vice-Chair and partner Michael Masters. He has been a tremendous Vice-Chair of the Grant Review Task Force and will present today an overview of the Task Force observations and recommendations.

Michael Masters:

Thank you, Bill. From homegrown violent extremists who are associated with international terrorist organizations to those affiliated with white supremacist movements to lone wolves and foreign fighters, from active shooters to public health issues, and from cybersecurity to natural hazards, the threats facing our nation are more broad, the connections more global and the impacts more dangerous than ever before.

Since 2003, the United States Department of Homeland Security has provided more than \$40 billion in grant funding to state, local, tribal, and territorial governments as well as urban areas to address these – and other – hazards. 2016 funding will encompass \$1.6 billion in non-disaster preparedness grant funds.

And while much progress has been made in preparing our nation, there is more work to be done. Each day sees the emergence of new threats and hazards. Our first responders – those at the local level – from police officers and fire personnel to emergency managers and medical professionals, are working every day to confront these issues. In this, they constantly require new skill-sets, access to information and education, training and equipment. And they are not alone. From our tribes and territories to our states and urban areas, as well as our individual towns and

neighborhoods, those that make up our whole community, to include the significant network of non-profit and non-governmental organizations as well as those who are a part of our faith-based communities, must also be prepared.

The support provided by DHS, and the Federal Emergency Management Agency, in particular, has been and continues to be critical in these efforts.

Over time, much attention has been given to the amount of funding that has been provided to different partners and stakeholders; spending on discrete areas and issues has been heavily analyzed by various entities.

Perhaps more critical than the amount of funding that has been provided, is the issue of whether the funding has been used as efficiently and as effectively as possible. Whether the processes, mechanisms and approaches that are in place best ensure the attainment of outcomes in a transparent and accountable manner that allows for the identification of threats and hazards and the implementation of programs and initiatives to address the challenges that we face, as a nation.

Focused enhancements to the non-disaster preparedness disaster grant suite in these areas will assist in guaranteeing that funding is being best utilized to enhance public safety and security through ensuring that our nation is able to best prepare for, prevent, protect against, mitigate the effects of, respond to and recover from all-hazards, whether man-made or natural, from a whole community approach.

To examine these issues, as well as others, the Secretary requested that the HSAC establish a Grant Review Task Force.

Through an exhaustive review of statutes, guidance and doctrine, data analysis, as well as extensive outreach with stakeholders and partners, the Task Force was able to develop an understanding of those areas within the non-disaster preparedness grant program where progress has been achieved as well as areas where common challenges remain and opportunities for improvement exist.

The Task Force recommendations include structural changes within particular programs, statutory changes as well as changes that provide the FEMA with additional support to implement tools to empower grant recipients.

Some recommendations can be addressed within FEMA and/or DHS. Others would require a legislative and/or regulatory change. Overall benefits to the program should be considered and recommendations pursued in a manner that would provide maximum improvement to the grants programs, and to those that make use of them.

Broadly, we would note that while significant progress has been made in ensuring that non-disaster preparedness grants are meeting their objectives, opportunities for enhancement exist with respect to the larger system as well as at the grantee level. Working to ensure equity in competencies, consistency and communication among different stakeholders as well as within

the broader program itself will enhance efficiency and effectiveness, increase transparency and accountability, as well as improve the experience for partners, stakeholders and the grantor, as well as those with fiduciary and monitoring responsibility across the grant suite.

Where particularly notable progress has been made, FEMA has often engaged stakeholders in developed and detailed efforts, providing guidance, direction and clarification but without accompanying requirements related to resource-intensive administrative efforts that may be duplicative or unnecessary. Strong leadership that is designed to enhance unity of effort should be recognized; we would urge the adoption of this approach more broadly, consolidating ownership and responsibility and improving accountability.

Supporting the further identification and adoption of best practices, process optimization and, where possible, consistency, in the approach and methodology as well as the roles and responsibilities of stakeholders in all areas would be deeply impactful. This is true across the entire life cycle of these programs, from risk assessment and capability gap identification to program development, execution and evaluation as well as grant management practices, to include the peer review process, auditing and monitoring efforts as well as technology platforms available to FEMA to access, review and support grantees. Enhanced focus on efforts related to these areas would assist in enhancing grantee performance, ensuring prudent expenditures and supporting the development of all-hazards, whole community efforts, where initiatives provide multiple benefits to stakeholders and partners.

With respect to operationalization of programs, there can be a lack of coordination between grant programs and allocations, often within the same Areas of Operation or Purpose; diminishing overlaps between grant programs as well as increasing common visibility across grants to avoid duplication of effort, and improving coordination will benefit public safety and ensure the efficient allocation of resources. As a component of this, the management and execution of particular programs should be aligned more appropriately to reflect the threats and hazards faced, broader structural and historical relationships as well as fiduciary impacts; to address these issues as well as others, the Tribal Homeland Security Grant Program and the Urban Areas Security Initiative program, in particular, should be direct awards from FEMA.

There must be a concerted effort to expand the provision of guidance, training and tools as well as technical assistance, and expand the use of metrics to ensure prudent expenditures.

Moreover, the Department must have flexibility to address emergent threats, such as issues related to violent extremism or cyber-attacks. Guidance, support and funding must exist to address emergent threats and be focused on raising preparedness levels across the whole community.

At the same time, and more broadly, guidance, doctrine and policy must encourage grantees to develop long-term planning and sustainment efforts commensurate with the provision of the funds in question.

Given the complexity of the grant program, there are multiple opportunities to streamline efforts and enhance unity; establishing more clear guidelines as well as identifying, supporting and

advancing best practices and encouraging bi-directional communication are just some examples. As a component of this, a whole community approach must be embraced that seeks to maximize efficiencies and leverage expertise across functions, disciplines and stakeholders to best enhance the safety and security of our Nation; processes must be encouraged to involve these disciplines, particularly where decisions are impactful to front-line and operational personnel.

The Task Force had broad access and cooperation from key stakeholders, to include: DHS, FEMA, and other tribal, state and local agencies, as well as partners from across sectors. This outreach enabled the Task Force to gather data to better understand what has already been done on this critical issue as well as what needs to be undertaken as it relates to the use of DHS non-disaster preparedness funds to enhance safety and security and other closely related topics.

The Task Force concludes by noting the incredible efforts by individuals and organizations at all levels – tribal, territorial, local, state and federal – and from first responders who are working, every day, within our communities to protect and serve our residents to those in administrative capacities who are working to support the training and equipping of those men and women as well as the whole community, so as to best position our nation to prepare for, prevent, protect against, mitigate the effects of, respond to and recover from all-hazards, whether man-made or natural. While no system is perfect, especially one as diverse and broad as that involving the relationships and structures of the non-disaster preparedness grant suite, much progress has been made across the nation in our preparedness efforts. This is particularly true within the federal government, and both DHS as well as FEMA, specifically.

The Task Force wishes to emphasize that we provide this report, and its recommendations, in the hope that demonstrable progress can be made on the issues in question, in both the near and long-term.

To accomplish this, we would urge that the Secretary form a commission to undertake the execution of the many recommendations. Given the highly technical nature of the grants process as well as – more importantly – the critical importance of its optimization to the safety and security of our country, this commission should work to prioritize the recommendations and then work with the relevant entities to implement them, track progress towards the same and provide regular evaluations of the effort.

Prior to turning this over to my fellow Task Force member, I would just like to again emphasize the critical importance of these dollars, and the impacts that they can have on the front-lines, in our communities. Whether in our Tribal Nations, urban areas or rural states. Where we can improve process to make these dollars, and the processes behind them, more effective and efficient, we all have a responsibility to do so, as a whole community; there has been no bigger advocate of this than the Secretary.

The Task Force believes that this report and its accompanying recommendations – undertaken through a whole community, all-hazards approach to the tasking provided – can support this result, and contribute to the safety and security of our nation. It's now my pleasure to turn the floor over to my fellow task force member Juliette Kayyem.

Juliette Kayyem:

Thank you so much, Mike and thank you everyone. I wanted to close out this review by the grant's team with a couple of points that go less to the details of the Task Force's recommendations and more to where we are as a department and as a nation.

I do this from the perspective of someone who was a state homeland security advisor managing the millions of dollars that came in to Massachusetts as well as an Assistant Secretary at the Department of Homeland Security helping FEMA come up with policies.

I will tell you when I was a state homeland security advisor we often complained about DHS, and when I was at DHS we often complained about the states and localities. In other words the tension between the Department and the states and other partners, the SLTT partners are actually part of the fabric of our nation - and it's a good tension. What the Task Force has tried to do is reflect upon where there has been a sufficient balance between the needs of ensuring that the money is spent wisely in support of our safety and security and the peculiar and particular needs of every different state and locality tribal and territorial jurisdiction.

And it's important to reflect when you look at the recommendations in this report on two things, the first is the tremendous progress that has been made not only over the course of the Department when obviously it was created and lessons were learned about the distribution of these grant funds, but in particular in the last of couple of years under the leadership of Brian Kamoie and his team of really ensuring that stakeholder engagement was sufficient and that there was a constant dialogue about how to make the grants work for our partners.

The second is that no one questions the necessity of this program. It has gone far from supporting the efforts of large jurisdictions like the NYPD to small tribal jurisdictions that have police departments of four or six people. It is an important thing to remember because I want to leave on this point and it was very important for the entire task force to focus on this point, whatever happens in the next year there will be a new president, and having served on a transition between the Bush and Obama Administrations for President Obama there is a tendency to feel like the wheel needs to be reinvented.

We believe strongly that whatever happens in the months to come and whatever transition will be occurring that where the grants process is now needs changes and work and those are reflected in the recommendations but the approach to engage the whole of community and to have a sufficient important and in-depth dialogue between the partners and the department is where any next administration ought to be, and so I end with that important point that while changes are needed, the entire commission felt very strongly that the changes that have been made over the course of the last couple of years and the lessons learned are ones that ought not to be relearned. So thank you very much Sarah, Mike, Bill and everyone else to end on that point.

Judge William Webster:

Well thank you very much and thanks to the Task Force Co-Chairs. We'll now open up the meeting for any public comments. I'd like to ask that all members of the public please limit their remarks to approximately 30 seconds so there's enough time to hear from everyone who wants to comment. Operator on the phone please proceed with opening the line for public comments.

Coordinator:

Thank you. Participants on the phone if you'd like to ask a question please press Star 1 on your touchtone phone, please unmute your phone and record your first and last name clearly with the prompt.

To withdraw your request please press Star 2, again if you'd like to ask a question or have a comment at this time please press Star 1 and record your name. One moment speakers to see if we have any questions.

Judge William Webster:

Are there any questions from the public toward either of these reports?

Coordinator:

One moment we have a few questions. Again caller your line is open.

Brian Bennett:

Hi this is Brian Bennett from the Los Angeles Times. I had a question for the CBP Integrity Advisory Panel. In the interim report on Page 6 there's a line that says that there's data indicating that arrests for corruption of CBP personnel far exceed on a per capita basis such arrest other federal law enforcement agencies, but it's not clear where that data comes from so I'd like to request that the Panel make the source of that data known to the public. Thank you very much.

Karen Tandy:

Brian, hi it's Karen Tandy. When you said the report did you mean the interim report?

Brian Bennett:

The interim report that was published in June on Page 6.

Karen Tandy:

Okay. I'm trying to find a reference on Page 6 of that report right now. But we will be more than happy to supply that data subsequently.

Brian Bennett:

Thank you.

Coordinator:

Once again participants, if you'd like to ask a question, please press Star 1 and record your name. And excuse me speakers. We have two more questions in the queue. Our next question comes from (Chris). And your line is open.

Christopher Rickard:

Hi. This is Christopher Rickard, with ACLU. I'd like to thank the CBP Integrity Panel very much for their work. My question is how the public will know whether the recommendations made will be implemented. Is there any continuing role for the Panel or will that be communicated otherwise? And - in addition - for the interim report recommendations, does the

Panel have a sense of when the CBP will implement the recommendations on use of force such as shooting at vehicles?

Karen Tandy:

Thank you Chris. First, thank you for your compliments to the Panel. And - with regard to all of the recommendations of the Panel. Both the interim report recommendations as well as the 39 recommendations that appear in our draft final report. All of those recommendations are presented to the HSAC for their approval. They already approved the June 29 interim recommendations. And they will take a vote at the conclusion of the questions today as to whether they accept any or all of the 39.

Beyond that, the Panel's charge, commission from the HSAC and Secretary Johnson has now been concluded. It is not within the purview of this Panel as to whether the recommendations are implemented. Our role is to provide our best advice, findings, recommendations, bench-marking based on our experience. And provide that to the Secretary, the Commissioner and the HSAC, which we have done.

We have noted - of course in our final report - that a number of the interim report recommendations have either already been implemented or they are actively underway towards implementation by CBP. And with - I would just footnote -- what I just said by -- saying that whether it was our interim report recommendations -- or the 39 new recommendations -- the Panel received no pushback from CBP. If anything, it - the work of this Panel has been highly valued by CBP. And they have their own tracking of the recommendations -- no matter what happens -- in an attempt to implement those.

Judge William Webster:

All right. Any more? No questions at this time - or comments from the public?

Coordinator:

We have one more. It comes from Andrew Becker. Sir, your line is open.

Andrew Becker:

Hi. This is Andrew Becker. I'm with the Center for Investigative Reporting. And just one final question for the CBP Integrity Advisory Panel. And that is in the kind of highlighted element about the recommendations that the Panel and Ms. Tandy reiterated the belief - the firm belief that if these recommendations are implemented that it will eliminate the risk of endemic corruption taking root, et cetera.

The second point, I'm wondering if you can maybe speak to it a little bit further, that is that the use of unlawful and unconstitutional use of force by CBP law enforcement personnel - most especially use of lethal force - will be a rarity. That could be inferred to say or suggest that there are some questions that the Panel may have about the lawfulness and constitutionality of some of the use of force incidents that have taken place. Can you touch on that or address that please?

Karen Tandy:

I can. And I also am fortunate to have most of the members of the Panel on this call. And would invite - after I make brief remarks, I would invite - Assistant Commissioner Matt Pontillo and Judge Bonner to also weigh in as appropriate. And with that, I have to say a special note of gratitude from the whole Panel -- to Judge Bonner -- for his extraordinary work in pulling this report together. Along with Jay Visconti who has been our right hand throughout the process.

So - with regard to use of force - it is clear -- and CBP would be the first to tell you -- that there has been official misconduct that has been unconstitutional. And, there have been cases that have reflected that, and discipline meted out as a result. And the proactive measures that are set forth here - integration of systems for more in-depth data analysis and red flags proactively and training - the virtual use of force training simulator that is in place across the country now. There are so many, many steps that are underway now -- or have been implemented by CBP -- that should operate to reduce the number of incidents that constitute the unconstitutional use of force. That doesn't mean to say that there won't be. It is our view that it will be a rarity if everything is put into place between these two reports.

And I would be remiss if I didn't talk about the immediate need for substantial increases in staffing to internal affairs at CBP. That goes hand in glove with all of these recommendations. So I will pause at this point and ask if Matt - if you're on the call - you or Rob - I'll go with Matt first, want to weigh in on this?

Matthew Pontillo:

Yes. Good afternoon. I think you hit the nail right on the head Karen. The only other thing I would add to that - I think -- a major step forward by CBP is -- something they moved very swiftly on was adopting the recommendation about the use of force investigation teams. So there had been a national level investigation effort. And with the use of force review board, they've now replicated that nationwide and developed local use of force investigation teams. And - to date - they have over 300 people who have been trained and certified as use of force investigators and then local use of force review boards.

There is also the idea to bring together a cadre of executives on a regional level. Because not every use of force makes it to the National Review Board. But by developing these local Use of Force Investigation teams -- and local Use of Force Review Board -- they are standardizing the practice across the agency, setting a consistent standard of investigation and review. Also, to ensure much better and consistent review on use of force which then - in turn - enables them to push the policy downward and also to make sure that everybody - across the agency - is complying with the new policies.

Judge Robert Bonner:

Yes. This is Rob Bonner. Thank you Karen and Matt. I really have very little to add to what they just said. I think that Mr. Becker hit the nail on the head when he said he read from our report at Page Two of the Executive Summary - that the Panel is convinced that if the recommendations we made are in fact implemented that it will eliminate the risk of endemic corruption within CBP. We're not suggesting there is endemic corruption, but I'm not going to characterize it

further than what is already in a report. And that the implementation of these recommendations would further make the unconstitutional and unlawful use of force - or out of policy use of force - something that's a rarity.

And again, I would just commend Mr. Becker to our entire report in terms of what we've said about the use of, particularly, excessive or unconstitutional force. I wouldn't characterize it further at this point other than what's already in our rather lengthy report. Thank you, Karen.

Coordinator:

And excuse me speakers. We have two additional or comments. Would you care to take them?

Judge William Webster:

Very well.

Coordinator:

Okay. Our next question comes from Brian Erickson. Sir, you may begin.

Brian Erickson:

Hello. This is Brian Erickson from the ACLU of New Mexico's Regional Center for Border Rights. I too want to echo and thank you for your work on the report. My question is in reference to Page 13 -- on the report -- regarding upcoming release of data around Use of Force Review Board Reports. In particular, there is one other disconnect that I think is still of concern and that is whether CBP and Border Patrol be held accountable to the same professional policing standards we expect of state and local law enforcement like those embodied in the Task Force on 21st Century Policing? As one example, one concern was from the previous report from CBP and based on this paragraph - you can't tell whether it will breakdown - for example - whether incidents are fatal or non-fatal. This is an example of a recommendation in the 21st Century Task Force Policing Report.

So I was encouraged to see that you did discuss this with CBP. I'm just curious - the question is could you expand at all about where CBP is in adopting or considering reforms of the 21st Century Task Force Policing Report? For example, did they break down those recommendations which they have adopted and will adopt or those which they decided they would reject? Thank you.

Karen Tandy:

Thank you Brian. As I've noted before, these are all recommendations that Secretary Johnson will take under advisement, provided that the Homeland Security Council votes to accept these recommendations. With regard to where CBP is currently on the various reporting, I can only tell you that as we were drafting this report -- and still meeting with CBP about certain segments of the report - there were already draft reports of CBP's data that it was prepared to put into the public domain.

I can't tell you where that has ended up or the timing on that, but it was obvious that they have taken active steps to present as much of the data as they can publicly.

Coordinator:

As a reminder, participants, if you'd like to ask a question, please press Star One and record your name. Our next question comes from (Hadesh). Sir, your line is now open. (Hadesh) please check your mute button. Again, your line is open. Please ask your question. We have no other speakers.

Judge William Webster:

Is that the end of the list you have there?

Coordinator:

I'm showing no other questions.

Judge William Webster:

I believe that we have concluded the public questions. I hope that these responses have been helpful. Operator, please close the line from public comment as we go to the next item on agenda.

Coordinator:

Thank you sir. Please resume.

Judge William Webster:

Thank you. At this time, do the Council members have any additional questions or comments for the Co-Chairs of the CBP Integrity Advisory Panel?

Jim Jones:

This is Jim Jones. I don't have a question. I just want to commend the Panel for their two excellent reports.

Judge William Webster:

Thank you Jim. Any other comments? If there is no more discussion, I'll now ask if there's a motion to accept the recommendations from the CBP Integrity Advisory Panel.

Jane Lute:

This is Jane Lute. I move.

Chuck Ramsey:

Chuck Ramsey, I second.

Judge William Webster:

Thank you. At this time, those in favor of approving the recommendations, please say "aye."

(Group):

Aye.

Judge William Webster:

Those opposed, please say "nay".

<No response>

Thank you. The recommendations are approved. For the record, the recommendations passed. Thanks again to our Panel Co-Chairs Bill Bratton and Karen Tandy and their membership. We appreciate your efforts. At this time do the Council members have additional questions or comments for the Co-Chairs of the DHS Grant Review Task Force?

None has been uttered. Hearing none, if there's no further questions, after the discussion of the DHS Grant Review Task Force, is there a motion to accept their recommendations?

Lydia Thomas:

Lydia Thomas, I move to accept.

John Allen:

John Allen, I second.

Judge William Webster:

Moved and seconded. At this time those in favor of approving the recommendations please say "aye."

(Group):

Aye.

Judge William Webster:

Opposed, say "nay".

<No response>

Thank you. The recommendations are approved. For the record now, the recommendations passed. Thanks again to the Task Force Co-Chairs Bill Livingood, Michael Masters and Elaine Duke and their membership. We really appreciate your efforts.

I will now read - as you were forewarned or for notified - a letter draft from the Council to Secretary Johnson.

Secretary Jeh Johnson, U.S. Department of Homeland Security, Washington, D.C. 20528.

Dear Secretary Johnson,

This is an official letter from the Homeland Security Advisory Council (otherwise referred to as Council) to express our support of your recent statements on the vital importance of outreach to Muslim communities across the country. The Council is grateful for the opportunity to amplify your message of fairness and tolerance for all Americans.

On January 13, 2016, you spoke at the University of Michigan Dearborn Campus about how we are facing a new age of global terrorism with an ever-increasing number of "terrorists directed

and terrorists inspired attacks.” During your remarks, you emphasized that today’s challenge, “requires a whole new approach to counterterrorism and homeland security” and addressed the importance of reaching out to all Muslims across the country. Your message that day was clear: “we must not throw a net of suspicion over American Muslims and an entire religion.”

The Council applauds your efforts to speak out against the discrimination and vilification of American Muslims, and affirms the need to engage them to help prevent the recruitment and radicalization to violence perpetrated by terrorist organizations that are targeting the youth in their communities.

We commend you and the Department for your service to this country and the ongoing efforts to counter violent extremism.

Sincerely,

And I would sign it as Chairman on behalf of the Homeland Security Advisory Council.

Is there any discussion from the Council members on this letter?

Jane Lute:

Judge, this is Jane Lute. I appreciate the spirit behind generating this letter and I strongly endorse.

Judge William Webster:

Thank you. I take that as a motion to accept the letter and transmit it to Secretary Johnson.

Ron Barber:

This is Ron Barber. I’ll second that.

Judge William Webster:

Thank you. At this time, those in favor of approving the letter, please say “aye.”

(Group):

Aye.

Judge William Webster:

Those opposed, please say “nay.”

<No response>

Thank you.

The letter is approved. For the record, the letter will be transmitted to Secretary Johnson.

Well, we're now going to bring this public session to a close. Members of the public - who would like to provide additional comments that includes the media, may do so in writing, by post to:

The Homeland Security Advisory Council
U.S. Department of Homeland Security
245 Murray Lane, Southwest, Mail Stop 0445
Washington, D.C. 20528 or by email at - and these letters are all in caps
HSAC@HQ.DHS.GOV.

I want to say that your comments are all appreciated and they will be reflected in the meeting minutes.

And I want to thank you for your participation today. I also want to thank the members of the Council and the subcommittees for their time and their participation. So, at this point, and on time, the meeting of the Homeland Security Advisory Council is now adjourned. Thank you very much.

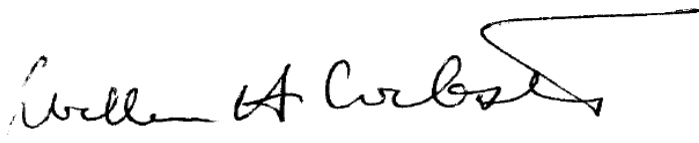
Coordinator:

Thank you for your participation. You may disconnect at this time.

END

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

May 18, 2016



5/18/16

Signed and Dated

Judge William H. Webster, Chairman, Homeland Security Advisory Council