Webinar:
Does ICE Have My DMV Data?
Speakers

• Just Futures Law
  • Julie Mao
  • Paromita Shah, Executive Director
  • Ellen Kemp, Deputy Director
  • Sejal Zota, Litigation Director

• Ft. Special Guests
  • Jacinta Gonzalez, Mijente
  • Mizue Aizeki, Immigrant Defense Project
Housekeeping

Agenda
- 60 minutes
- Intros/Framing
- Key findings & recommendations
- Q&A at end

Recording?

Tech issues?

Q&A with Ellen
Email:
ellen@justfutureslaw.org
DHS Has Become a Data-Driven Police Force

- Data drives raids and deportations
- Secured Communities (2008): jail data sharing i.e. sharing fingerprints & release time data
- ICE raids: cross match bet. federal data, local agency data sets, or/and private commercial data

**Federal Agency Data**
- DHS databases including USCIS, ICE ERO & HSI, CBP
- Other federal agencies including DOS, FBI, DOJ, DoD
  → list of millions of names, fingerprints, photos

**Local Agency Data**
- Driver’s license data
- Motor Vehicle Registration data
- Local jail, police, court system data
- State to state or regional data exchanges
- Utility reports

**Commercial Databases**
- Data brokers *data buyers & sellers
- LexisNexis’s Accurint
- Thompson Reuter’s CLEAR
- Vigilant License Plate Reader info
- Giant Oak Social Media analytics
Example: National Crime Analysis and Targeting Center (NCATC)

NCATC
- Willets, Vermont
- “ICE cubicle farm”
- Intelligence analyst researches cases, queries databases
- How does it find cases? Local field office provides lists of people or ping from database

ICE Field Office or Pacific Enforcement Response Center (PERC)
- Receives NCATC report on cases
- May conduct own data search, ask local agencies for data searches, or ask NCATC to do more.

Community Raids
- Uses location, photo information from intelligence reports to conduct physical surveillance and arrests
Why Does ICE USE DMV Data?

- ADDRESS ON DRIVER’S LICENSE OR VEHICLE REGISTRATION: HOME RAIDS
- PHOTO ON DRIVER’S LICENSE: RAIDS, FACIAL RECOGNITION
- MOTOR VEHICLE REGISTRATION INFORMATION: COMBINED WITH LICENSE PLATE READER DATA FOR LOCATION MAPPING
How Does ICE Obtain DMV Data?
ICE Direct Access

- Case-by-case request and response
- User access to DMV database
- Bulk Data
  *refers to data that’s put in a file or set of files that can be downloaded*
User Access to DMV database

- No examples of bulk data sales to ICE (that we know of) BUT amount of case-by-case requests and database queries can be significant
- Example: In WA State, ICE conducted more than 100,000 queries of the Washington State driver’s license database Driver and Plate Search (DAPS) within a 2-year period.
States sell DMV data to private companies

Companies resell data thru commercial databases

Commercial Databases sold to ICE (that we know of)

- Thompson Reuters
- LexisNexis
- TransUnion
- Experian

- Thompson Reuter’s CLEAR
- LexisNexis’s Accurint
### SEARCH RESULTS: “sample document, jane, MN”

<table>
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<tr>
<th>Name</th>
<th>JANE SAMPLEDOCU.</th>
<th>DOB</th>
<th>01/01/1990</th>
<th>Gender</th>
<th>FEMALE</th>
<th>Height</th>
<th>5'7&quot;</th>
<th>Weight</th>
<th>120 lbs</th>
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</tr>
<tr>
<td>AKA</td>
<td>JANE SAMPLEDOCU.</td>
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<tr>
<td>Address</td>
<td>123 Main St, MN, 55101</td>
<td>Phone</td>
<td>555-555555</td>
<td>Expired</td>
<td>01/01/2020</td>
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<tr>
<td>Email Address</td>
<td><a href="mailto:jane.sample@sechrd.com">jane.sample@sechrd.com</a></td>
<td>Expired</td>
<td>01/01/2020</td>
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<tr>
<td>Known Addresses</td>
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</tr>
</tbody>
</table>

### DASHBOARD: Address Map

- **Map**: Displays a map of the United States with several locations marked with red pins.
- **Satellite**: Switch between map views.

- Marked locations include major cities such as New York, Chicago, Houston, San Francisco, and Los Angeles.
- The map provides a visual representation of the sample document's known addresses and associated information.
What is the capability of TransUnion or Experian? note: accessible through CLEAR

TLOxp for Law Enforcement – Elevated search tools made for locating.

- **Advanced Expert Searches** – Enter a partial SSN, incomplete address, partial tag number or any fragment of information and TLOxp narrows your search to the fewest possible options.
- **License Plate Recognition** – Input tags and instantly see recent vehicle sightings and locations nationwide.
- **Drivers License Searches** – Advanced search capability, via expanded geographic coverage, providing more extensive data to link relationships with relatives, acquaintances and business associates.
- **Address Reports** – Run the complete history of any residential or business address to receive analytics-based rankings and right party contact for subjects.
- **Real-time phone carrier search** – Access important mobile phone carrier details via the new real-time phone carrier search.
- **Quick-search** – When the clock is ticking, Quick-search enables you to immediately access critical information from the main page without incurring additional time and effort.

**TLOxp provides access to:**

- 350+ million Social Security numbers
- Over 225 million employment records
- 17 billion vehicle registration and vehicle sighting records
- 4 billion phone records
- 4 billion address records
- 90+ million adult Millennials age 18-36
- 50 million people with so-called “thin files” who don’t have traditional credit reports
Example: ICE Analyst Report from Pacific Enforcement Response Center

Summary: Per CLEAR the target's most recent address is [Redacted]. The target's father [Redacted] registered to [Redacted] in 2016 and the target's mother [Redacted] registered to the address in 2017.

The target and his parents used the [Redacted] address when updating their drivers licenses. The target updated his on September 13, 2017.
Law enforcement sharing of DMV data with ICE

Nlets: driver’s license data exchange active in all states

State, county, or city law enforcement data exchanges

Fusion centers: state or local intelligence hubs
Law enforcement data systems

Connectivity to WA systems through Nlets via the WSP ACCESS Switch is controlled by WSP.
- CBP and ICE have established connectivity to ACCESS via Nlets.

Federal Entities
- CBP
- ICE
- Secret Service
- SSA
- DHS
- FMCSA
- USPS
- Dept. of State
- TSA

All requests for information via the WSP ACCESS Switch must be for Criminal Justice reasons only.
Texas Law Enforcement Telecommunications System (TLETS)
Recommendations

• Limit direct ICE access to DMV data
• End voluntary sale of DMV data to private companies
• Limit DMV data sharing with ICE through state, local law enforcement databases and data exchanges

• Enforcement and Implementation
  • Reporting and auditing requirements
  • Certification requirements for third party law enforcement and private companies
  • Fines and private right of action
Common Question: How to figure out if/how your State DMV shares data with ICE?

- File local public records requests with your state DMV office and law enforcement agencies and/or
- Seek the help of your local officials in obtaining information

**MEMORANDUM OF UNDERSTANDING**

DRIVERS LICENSE AND/OR MOTOR VEHICLE RECORD DATA EXCHANGE

**Contract Number:**

This Memorandum of Understanding (MOU) is made and entered into by and between [ICE Enforcement Removal Operations Miami Field Office] hereinafter referred to as the Requesting Party and the Department of Highway Safety and Motor Vehicles hereinafter referred to as the Providing Agency.

I. Purpose of the Data Exchange

The purpose of this MOU is to establish conditions under which the Providing Agency agrees to provide electronic access to driver license and motor vehicle data to the Requesting Party as follows:

<table>
<thead>
<tr>
<th>Type of Data Requested</th>
<th>Statutory Fees (subject to change by the Legislature)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Driver license status</td>
<td>$0.50, 01/record, per s. 322.05, F.S.</td>
</tr>
<tr>
<td>• Driver license status (3-year)</td>
<td>$0.50, 01/record, per s. 322.05, F.S.</td>
</tr>
<tr>
<td>• Driver license status (7-year or complete)</td>
<td>$10.00, 01/record, per s. 322.05, F.S.</td>
</tr>
</tbody>
</table>

II. Purpose of the Data Exchange

The purpose of this MOU is to establish conditions under which the Providing Agency agrees to provide electronic access to driver license and motor vehicle data to the Requesting Party as follows:

- The Requesting Party is not requesting personal information and/or is not qualified to obtain personal information pursuant to the Driver's Privacy Protection Act.

Law enforcement purposes.
Common question: Should I Start Panicking?
Questions and Answers

Ft. Special Guest Mizue Aizeki, Immigrant Defense Project
New York State context
Additional Resources

• Read Report and Appendix!
• Just Futures Law, Mijente, and UCI Immigrant Rights Clinic, Take Back Tech Toolkit, July 2019.
• Pop Education from Mijente’s No Tech for ICE Campaign, www.notechforice.org
• Questions on REAL ID and State to State DMV data sharing? Edward Hasbrouck at the Identity Project
• Note this is an evolving area → we don’t have all the answers but we want to work collaboratively to get them!