



Civil Rights & Civil Liberties Impact Assessments

One of the ways in which the Office for Civil Rights and Civil Liberties (CRCL) advises the Department's leadership is through Civil Rights and Civil Liberties Impact Assessments. A CRCL Impact Assessment may be required by statute, requested by Department leadership or staff, or initiated by the Officer for Civil Rights and Civil Liberties.

The CRCL policy analysts who write CRCL Impact Assessments review various Department programs, policies, or activities to determine whether these Department initiatives have an impact on the civil rights or civil liberties of those affected by the initiative. CRCL policy analysts consider various types of questions when drafting an impact assessment. In the course of conducting the Impact Assessment, and in the final written document, CRCL may make recommendations for change.

These assessments are one of the many tools that CRCL employs to assist the Department in meeting its mission to "ensure that DHS programs, policies, regulations, and guidelines comply with and safeguard civil rights and civil liberties while supporting the needs of customers and the mission of DHS." [6 U.S.C. §345](#)

Completed Impact Assessments

- [DHS Support to the National Network of Fusion Centers](#)

State and major urban area fusion centers (fusion centers) serve as focal points within the state and local environment for the receipt, analysis, gathering, and sharing of threat-related information between the federal government and state, local, tribal, territorial and private sector partners.

[More about civil rights and civil liberties and fusion centers](#)

Status: Completed February 2013, [as an update to the December 2008 assessment](#).

Authority: §511 of the [Implementing Recommendations of the 9/11 Commission Act of 2007](#) directs the Department's Officer for Civil Rights and Civil Liberties (together with the Department Privacy Officer) to submit a review on the privacy and civil liberties impact of fusion centers.

- [Border Searches of Electronic Devices](#)

A critical component of the CBP and U.S. Immigration and Customs Enforcement (ICE) border search mission is to secure U.S. borders from illegal activities. To accomplish this mission, CBP and ICE have the authority to search travelers, baggage, and containers (including electronic devices). [Redacted report](#) released pursuant to a Freedom of Information Act request.

Two relevant Department of Homeland Security directives ([3340-049](#) and [7-6.1](#)) were released by the Secretary and published in August 2009. These directives govern policies and procedures for searches of electronic devices at a U.S. border.

Status: Completed FY 2012.

Authority: Directed by the Secretary.

In addition to the CRCL Impact Assessment, the Secretary instructed CBP, CRCL, and the DHS Privacy Office to review the training provided to CBP officers on searching electronic devices at the border. This review was completed in August 2010.

[Assessment and Recommendations on CBP Training](#)

- [Future Attribute Screening Technology \(FAST\)](#)

The FAST Program was designed to develop innovative, non-invasive technologies to screen people at special events, airports, and other secure areas. The FAST project will help security personnel identify persons who intend to cause harm. The FAST system analyzes psychophysiological signals and behavioral attributes exhibited in near-real time. The ultimate goal of FAST is to allow people to move freely while the system works discretely in the background, analyzing various aspects of human behavior and data to accurately assess and identify individuals who intend harm. The program is part of the

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Homeland Security Advanced Research Projects Agency (HSARPA) and the Department's Science & Technology Human Factors/Behavioral Science Division.

Status: Executive Summary Public. Completed December 2011.

Authority: Initiated by CRCL.

- **[Interagency Threat Assessment and Coordination Group](#)**

The Interagency Threat Assessment and Coordination Group (ITACG) was established in response to the recommendations of the 9/11 Commission, with the goal of improving information sharing between the National Counterterrorism Center and state, local and tribal governments. The ITACG facilitates information sharing by identifying national intelligence products that may be of use to state, local and tribal consumers, suggesting edits to make these products more useful to those consumers, and advocating within the intelligence community (IC) to ensure that state and local terrorist information needs are met.

Status: Public. Completed September 2010.

Authority: §521 of the [Implementing the Recommendations of the 9/11 Commission Act of 2007](#) directs the Chief Privacy and Civil Liberties Officer for the Department of Justice, the Civil Liberties Protection Officer of the Office of the Director of National Intelligence, and the Officer for Civil Rights and Civil Liberties for the U.S. Department of Homeland Security to submit a review on the privacy and civil liberties impacts of the program.

- **Screening Passengers by Observation Techniques (SPOT) Program**

The SPOT Program is a key part of Transportation Security Administration's (TSA) multi-layered approach to security. This program is designed to be a non-intrusive means of identifying potentially high-risk individuals who exhibit behavior indicative of high levels of stress, fear, or deception.

Status: Not public. Completed March 2009.

Authority: Initiated by CRCL and TSA.

- **Northern Border Railroad Passenger and Cargo Screening**

The Northern Border Rail Security Program places U.S. Customs and Border Protection (CBP) pre-screening stations at various major Canadian passenger railroad terminals to pre-inspect rail passengers traveling into the United States.

Status: Not public. Completed March 2009.

Authority: §1518, 1523 of the [Implementing Recommendations of the 9/11 Commission Act of 2007](#) directs the Officer for Civil Rights and Civil Liberties to conduct reviews, as appropriate, for research and development initiatives.

- **Information Sharing Fellows Program**

This program promotes information sharing with state and local governments by embedding state, local, and tribal law enforcement officers, intelligence analysts and homeland security personnel within the Department Office of Intelligence & Analysis.

Status: Not public. Completed April 2008.

Authority: §512 of the [Implementing Recommendations of the 9/11 Commission Act of 2007](#) directs the Officer of Civil Rights to submit a report that contains a concept of operations for the Program, which shall include a privacy and civil liberties impact assessment.

- **National Applications Office (NAO)**

The NAO was designed to assist the civil, homeland security and law enforcement communities in obtaining authorized Intelligence Community services. The NAO also supports the traditional civil domestic users currently supported by the Civil Applications Committee by facilitating requests by civil agencies to make use of space-based imaging and remote sensing capabilities for use in domestic missions ranging from traditional mapping services to supporting forest firefighters, supporting U.S. Coast Guard search and rescue operations, and supporting first responders following a disaster, assessing disaster readiness, and preparing environmental research studies.

Status: Not public. Completed March 2008.

Authority: The [2008 Omnibus Appropriations Act](#) directs the Secretary of Homeland Security to certify that NAO programs comply with all applicable privacy and civil liberties standards.

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