



National HIDTA Directors Association

FACT SHEET – DATA ANALYTICS SERVICES (DAS) PROGRAM HIGH INTENSITY DRUG TRAFFICKING AREAS (HIDTA) PROGRAM

What is DAS?

- A contractual service provided by a telecommunications company that is in compliance with federal and state law to support law enforcement criminal investigations.
- Information received from DAS is for **active criminal investigations** and is only provided pursuant to compelling legal authority including subpoenas, court orders, or search warrants.
- Aids law enforcement in interpreting, disseminating, and analyzing phone records related to phones used by criminal suspects in the conduct of illegal activity.
- This process is in compliance with the 4th Amendment. The process ensures the information is properly requested through compelling legal authority.

What information is provided through DAS?

- Information available to law enforcement is limited to network records (date, time, minutes, telephone numbers with which the target phone is communicating) relating to criminal activity and communications in near real-time. **The content of calls or text messages is not available through DAS.**
- Access and analysis of information in near real-time (within 2 hours), which is important in developing and pursuing investigative leads in serious drug trafficking investigations.
- Especially useful when investigating sophisticated criminal organization members who routinely drop cell phones and use multiple devices. Also, especially useful in life threatening situations such as kidnapping or human trafficking.
- Access to a highly trained telecom professional who quickly responds to requests, is available to answer questions, and directs users how to obtain information which will assist their investigation.

What is the HIDTA Program's role?

- HIDTA is not an agency and therefore has no ownership of any databases, including any data provided through the DAS program. The HIDTA Program's role is limited to providing funding for an analyst to facilitate law enforcement agencies' ability to obtain network information for ongoing criminal investigations through DAS.

How are privacy and civil liberties risks mitigated?

- Network records are not directly accessible to law enforcement. Investigators must first obtain a subpoena, court order, or search warrant.
- Phone location information requires a court order or search warrant.
- Legal process is based on reasonable suspicion or probable cause that a device has been used in furtherance of criminal operations or used at the scene of crimes.
- Only records related to devices **involved in criminal investigations** are available to law enforcement through a legally compelling demand. Law enforcement does not have access to subscribers'

(citizens') phone data usage unless those persons are targets of criminal investigations or involved in criminal activity.

- **There is NO communications content (calls or text messages) through the DAS program.**

Checks, balances, and oversight to ensure integrity of requests

Review of requests submitted to DAS are vetted through multiple levels. If information does not meet the program guidelines, it is not processed. At any point in this process, the request can be denied, or additional documentation or legal authorities may be requested. All queries require legal authority. These reviews include:

- Law enforcement agency for administrative subpoenas (must demonstrate relationship to criminal investigation).
- Grand jury subpoenas, court orders, and search warrants require the authorization of a prosecuting agency and a judge.
- DAS/HIDTA Point of Contact (POC) – Ensures request is complete and includes the subpoena, court order, or search warrant and makes sure the request meets guidelines within the DAS Program.
- Telecommunications Company's Subpoena Compliance Unit – Ensures information request is timely, complete, and lawful within the state or region of the requesting law enforcement agency.
- DAS Analyst – Once cleared by the Subpoena Compliance Unit, ensures checks are performed within the framework of the legal compelling authority (subpoena, court order, or search warrant).

Records retention

- The law enforcement agency which legally requests information retains the information until the official investigation is fully adjudicated, including appeals. Once the investigation is closed, individual law enforcement agency retention policy must be followed. The HIDTA Program does not collect, store, or retain any information provided to law enforcement agencies through the DAS program.

If DAS was not available:

- Information regarding drug trafficking organizations, including those distributing fentanyl that is the major contributor to the overdose death crisis in the United States, would not be available to law enforcement in a timely fashion.
- Information relating to high priority crimes, including homicides, kidnapping, human trafficking, etc., would not be available to law enforcement in a timely fashion.