

## Scenario 7<sup>1</sup>

The cities along the Gulf Coast of Mexico have been ravaged. People from the region have evacuated and are dispersed throughout a large section of the country. Law enforcement authorities in the state of ZZZ<sup>2</sup> have become aware that within the dispersed population are registered sex offenders. They are concerned that such offenders will take advantage of this event to fade into the population without re-registering. They know that people with that motivation may quickly adopt new identities but believe if they act quickly, they can catch such persons during the transition time when they may still use their true identities.

They contact Louisiana and Mississippi and reach agreement to obtain a copy of the basic data from their sex offender registries (name, DOB, last known address, and SSN). They confer with their IT staff and decide to cross-match this data with data from the following sources<sup>3</sup>:

- FEMA databases
  - Evacuation logs
  - aid requests
  - temporary housing benefits
- Coast Guard
  - Evacuation logs
- EMT companies in evacuation region
  - Treatment of evacuees
- Law enforcement databases
  - JusticeXchange (APPRISS) - Record of jail stay
  - RISSNET/HSIN/LEO - ??? (nothing to cross-match without entity extraction?)
  - NCIC (National Criminal Information Center)
- Greyhound
  - Evacuation logs
  - National ticket sales
- Merchant Services (Visa/Mastercard transaction processors) for account numbers and activity on accounts
  - Chase Merchant Services
  - ABN AMRO
- ATM networks (PLUS, STAR, etc)
  - For transactions (withdrawals)
- Big 3 credit reporting companies
  - Experian

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<sup>1</sup> This is a wholly fictional scenario based upon the single fact that there was an attempt to identify an estimated 2,500 displaced sex offenders after Katrina.

<http://www.cnn.com/2005/LAW/12/30/katrina.sexoffenders.ap/index.htm> I have no information about techniques actually employed.

<sup>2</sup> Propose that some research be done of the laws of a couple of likely states before selecting the state.

<sup>3</sup> I made up some of these sources based upon best guesses.

- Equifax
  - Trans Union
- ZZZ State records
  - Welfare – for application for benefits
  - DMV - For surrender of drivers license upon receipt of ZZZ dl
  - Employer withholding taxes
- Insurance Claims databases (for claims or inquiries made)
  - CLUE
  - A-PLUS
  - NCPD (Natl Claims and Policies Db)
- Web search
- AOL user accounts
  - Cross match to sex chat rooms

#### Some Applicable Rules or Laws:

- Privacy Act
  - The part we've used before
  - The part that restricts computer matching of records associated with benefits – for Welfare records  
[http://www.law.cornell.edu/uscode/html/uscode05/usc\\_sec\\_05\\_00000552--a000-.html](http://www.law.cornell.edu/uscode/html/uscode05/usc_sec_05_00000552--a000-.html) (section (a)(8))
- HIPAA – for EMT records
- Right to Financial Privacy Act – for credit card numbers and transactions  
[http://www.law.cornell.edu/uscode/html/uscode12/usc\\_sup\\_01\\_12\\_10\\_35.html](http://www.law.cornell.edu/uscode/html/uscode12/usc_sup_01_12_10_35.html)
- Criminal statutes (warrants/subpoenas) – for AOL user accounts  
[http://www.law.cornell.edu/uscode/html/uscode18/usc\\_sup\\_01\\_18\\_10\\_I\\_20\\_109.html](http://www.law.cornell.edu/uscode/html/uscode18/usc_sup_01_18_10_I_20_109.html)
- Electronic Communications Privacy Act (ECPA) – for AOL accounts  
[http://www.law.cornell.edu/uscode/html/uscode18/usc\\_sup\\_01\\_18\\_10\\_I\\_20\\_119.html](http://www.law.cornell.edu/uscode/html/uscode18/usc_sup_01_18_10_I_20_119.html)

#### Possible Adverse Consequences:

Apparently, FEMA took the position that the Privacy Act prohibited them from providing data to the state and local officials

<http://vitter.senate.gov/?module=PressRoom/PressItem&ID=2e41c283-d1e4-40a8-a411-ed5c10e3cee5>

- It might be interesting to see if our results are the same
- This might form the basis for civil claims against the government for negligence by later victims if you could prove that the offender would have been found if the FEMA data had been available (K to research exclusions to Federal Torts Claims Act)
- Offender arrested for failing to register might be able to argue for exclusion of the evidence if FEMA is correct and a federal agency did release such data or if there are errors in the data used