Office of Intelligence and Analysis Operations in Portland
April 20, 2021

Office of Intelligence and Analysis
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Message from the Under Secretary for Intelligence and Analysis

April 20, 2021

The following report on the Department of Homeland Security (DHS) Office of Intelligence and Analysis (OIA) activities has been prepared on behalf of the Secretary of Homeland Security. As the Acting Under Secretary for Intelligence and Analysis, I have coordinated the development of this report.

This report is submitted in response to the Intelligence Authorization Act for Fiscal Year 2021, December 21, 2020, which mandates a report on OIA operations in Portland, Oregon.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Mark Warner
Chairman
Senate Select Committee on Intelligence

The Honorable Marco Rubio
Vice-Chairman
Senate Select Committee on Intelligence

The Honorable Adam Schiff
Chairman
House Permanent Select Committee on Intelligence

The Honorable Devin Nunes
Ranking Member
House Permanent Select Committee on Intelligence

Inquiries relating to this report may be directed to me at HQ.DHS.GOV.

Sincerely,

Melissa Smislova
Acting Under Secretary for Intelligence and Analysis
Office of Intelligence and Analysis
Department of Homeland Security
I&A Operations in Portland, Oregon

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I. Introduction

The following report on the Department of Homeland Security (DHS) Office of Intelligence and Analysis activities has been prepared on behalf of the Secretary of Homeland Security. As the Acting Under Secretary for Intelligence and Analysis, I have coordinated the development of this report.

This report is submitted in response to the Intelligence Authorization Act for Fiscal Year 2021, December 21, 2020, which mandates a report on I&A operations in Portland, Oregon.

II. Legislative Language

3. (U//FOUO) A report on I&A operations in Portland, Oregon, to include:

   a. (U//FOUO) A description of I&A personnel and contractors deployed to, or otherwise assigned to missions connected to the Portland protests, including their background and training; Mission Center assignments, and their roles, location and chain of command in Portland;
   b. (U//FOUO) A description of I&A’s support for and interaction, coordination and intelligence exchanges with DHS components, state and local law enforcement and political authorities, and federal law enforcement;
   c. (U//FOUO) A description of any direct or indirect engagement with detainee operations or interactions with protestors;
   d. (U//FOUO) A description of any collection, exploitation or analysis of devices or accounts of protestors or detainees;
   e. (U//FOUO) A description of any collection, exploitation or analysis of aerial surveillance;
   f. (U//FOUO) A description of open source collection, including guidelines related to First Amendment protections and vetting for authenticity; and
   g. (U//FOUO) A description of any targeting packages or dossiers on individual suspects and any link analysis of protestors or individuals suspected of violence and their associates.
III. I&A Responses

a. (U//FOUO) A description of I&A personnel and contractors deployed to, or otherwise assigned to missions connected to the Portland protests, including their background and training; Mission Center assignments, and their roles, location and chain of command in Portland;

I&A deployed federal personnel from the Field Operations Division (FOD), Current and Emerging Threat Center (CETC), Collection Management Division (CMD), Counterterrorism Mission Center, and the Counterintelligence Mission Center (CIMC). Personnel were deployed to Portland, Oregon from our headquarters in Washington D.C to provide intelligence support to federal, state, and local law enforcement.

The composition of rotational, federal personnel referenced above included collectors and I&A analysts. I&A’s deployed personnel ranged in grade and experience from junior intelligence officers to senior managers. I&A also used contractors based in Washington, D.C. to support federal staff, including to develop Open Source Intelligence Reports (OSIRs), on Portland-related content. These contract personnel did not deploy to Portland.

I&A Analytic personnel, which were all federal employees, assigned to support this effort met minimum training standards including the Basic Intelligence Analysis Training Course and training on Civil Rights and Civil Liberties and Intelligence Oversight. The federal personnel from Field Operations Division, CMD, and CIMC engaged in overt collection activities and were trained in Overt Human Collection Operations and raw intelligence report writing.

In the days leading up to deployment, deployed FOD personnel received minimum, standard training for the duties they performed in Portland, as well as a refresher on Civil Rights and Civil Liberties, Intelligence Oversight, and the legal obligations I&A officers have with respect to their statutory authorities and the U.S. Constitution. FOD took the additional step of having raw reporting gathered in Portland reviewed by the Office of the General Counsel, Intelligence Law Division prior to release.

CETC personnel received the minimum I&A standard training for Civil Rights and Civil Liberties and Intelligence Oversight as part of their onboarding process with I&A. In addition, prior to deployment, CETC personnel received legal guidance from the Office of the General Counsel on conducting intelligence collection and reporting in the context of ongoing civil unrest, government facilities, and critical infrastructure in Portland.

I&A has conducted an initial review of its activities to identify best practices and areas for improvement while in support of the events in Portland. A training
deficiency, in part imposed by the COVID-19 pandemic, specific to CETC and its open source collection operations was identified in the initial review. CETC personnel who onboarded in 2020 did not receive adequate training in Open Source Collection. I&A is addressing the deficiency by requiring and providing basic Open Source training for undertrained and future CETC open source personnel. Two courses have been conducted in the first quarter of 2021 to train additional personnel on both open source collection and certified release authority; untrained personnel are prohibited from engaging in Open Source Collection until they meet basic training standards.

The initial review identified a second deficiency related to the command and control structure used during the civil unrest in Portland. Personnel were reporting to their respective chains of command in Washington D.C. instead of I&A supervisors in Portland. This led to inconsistent guidance to deployed personnel and created confusion across deployed and headquarters elements of I&A. Additionally, I&A assigned personnel, both supervisory and non-supervisory, had varied levels of preparedness, seniority, and skill levels, which hampered communication between deployed personnel and their respective command structures. In response to this deficiency, I&A is conducting a review of its field footprint and has prioritized the development of an internal instruction to improve any future deployments of headquarters personnel to the field.

I&A personnel performed duties in several locations in the field, including the Portland Police Bureau Training Academy- Emergency Operations Command (EOC), Hatfield Federal Courthouse, Edith Green Federal Building, ICE/HSI Portland, Oregon TITAN State Fusion Center, and Multnomah County Justice Center.

I&A personnel provided intelligence support to the missions of the Federal Protective Service (FPS), U.S. Customs and Border Protection (CBP), and Immigration and Customs Enforcement/Homeland Security Investigations (ICE/HSI) through the provision of intelligence liaison services, including the production and dissemination of raw and finished intelligence. The Acting Under Secretary for I&A (AUSIA) assigned the Acting Principal Deputy Under Secretary for I&A (APDUSIA) as the overall operational leader. The APDUSIA provided direction both through headquarters divisional leaders and directly to field-deployed personnel. The I&A Regional Director(s) and Open Source Collection Operations (OSCO) Branch Chief coordinated support through the FPS Incident Commander(s).

I&A personnel reported through the I&A chain of command to the Acting Under Secretary for I&A in their capacity as the head of I&A, and did not report to or through any other DHS component or state or local supervisors.

b. (U//FOUO) A description of I&A’s support for and interaction, coordination and intelligence exchanges with DHS components, state and local law enforcement and
political authorities, and federal law enforcement;

I&A personnel were co-located with personnel from the Portland Police Bureau, Multnomah County Sheriff’s Office, Federal Bureau of Investigation (FBI), and Federal Protective Services (FPS), U.S. Marshals Service (USMS), Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI), U.S. Customs and Border Protection (CBP), Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and DHS Public Affairs.

I&A personnel interacted and coordinated with the Portland Police Bureau (PPB), Multnomah County Sheriff Office (MCSO), and Oregon State Police (OSP) law enforcement officers at various times in July and August 2020. I&A personnel conducted liaison activities with these organizations, for the purposes of intelligence collection, and the sharing and/or briefing of finished intelligence products and raw intelligence reports.

Additionally, I&A provided operational background reports on individuals arrested on federal charges to I&A leadership, DHS leadership, and the Federal Protective Service. These operational background reports included to identifying indicators of domestic violent extremism or coordination among violent actors. In addition, I&A published Field Intelligence Reports (FIR), Intelligence Information Reports (IIR), and OSIRs in support of the FPS mission. These raw reports described threats and incitement of violence against federal employees and federal property and tactics, techniques, and procedures associated with violent actors.

c. (U//FOUO) A description of any direct or indirect engagement with detainee operations or interactions with protestors;

FOD personnel, operating overtly in compliance with standard collections tradecraft process and standard operating procedures (IA-907 Overt HUMINT Collection Program; IA-905 Field Intelligence Report Program), engaged with individuals. Participation in these briefings was at the discretion of the only pursued if the individual agreed to speak with a de-briefer, and only conducted if reasonable belief existed that the individual possessed information related to violent extremist or domestic terrorist threats, or use of violence dangerous to human life.

d. (U//FOUO) A description of any collection, exploitation or analysis of devices or accounts of protestors or detainees;

I&A did not access, seize, or exploit any devices of protesters or detainees related to Portland. Information obtained in relation to individuals was retrieved from publicly available.
e. **(U//FOUO)** A description of any collection, exploitation or analysis of aerial surveillance;

I&A did not collect, exploit or analyze aerial surveillance related to Portland. I&A did provide (b) (3) (A), (b) (3) (B) of publicly available [redacted] in support of the FPS mission.

f. **(U//FOUO)** A description of open source collection, including guidelines related to First Amendment protections and vetting for authenticity; and

I&A personnel are authorized, as articulated in I&A’s Attorney General approved Intelligence Oversight Guidelines (IA-1000), to collect publicly available open source information only when they have a reasonable belief that it supports a national or departmental mission, such as to counter threats to critical infrastructure or domestic terrorism, or to provide intelligence support to the Secretary or a component mission. The collection must also satisfy a valid national or homeland security collection requirement. I&A personnel require extraordinary circumstances to engage in open source collection in the context of constitutionally protected activities where the vast majority of participants are peacefully exercising their First Amendment rights; for example, when they have a reason to believe that a particular protest may become either the target or site of a terrorist attack, attack upon protected critical infrastructure, or another identifiable threat to homeland security, to include officer safety, I&A personnel may collect open source information relating to that event when the information is indicative of or otherwise necessary to assess such threats. In such circumstances, I&A personnel will draft and publish an OSIR in accordance with applicable Intelligence Community standards and style requirements and I&A’s Intelligence Oversight Guidelines.

I&A’s Intelligence Oversight Guidelines apply to all I&A open source collection activities and foremost prohibit I&A personnel “under all circumstances from engaging in any intelligence activities ... for the sole purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States ...” As described previously, in certain contexts, including prior to collection in Portland, the DHS Office of the General Counsel has issued supplemental guidance for I&A personnel to follow in applying the requirements of the Guidelines, including guidance specifically tailored to the monitoring and collection of potentially protected speech and associational activities. Such guidance focuses in particular on the principle distinctions between true threats of and incitement to violence, on the one hand, and political hyperbole and other protected (if at times aggressive or even malicious) speech, on the other, including the manner in which each are to be understood and considered when encountered in an already heightened or elevated threat environment.
I&A open source collectors—like other I&A personnel—receive mandatory, recurring annual refresher training on I&A’s Intelligence Oversight Guidelines, and the protection of privacy, civil rights, and civil liberties when requested or otherwise required as part of I&A’s training program.

Regarding “vetting for authenticity,” I&A open source collectors—to the greatest extent feasible—attempt to confirm that in question is authentic. I&A publishes OSIRs with the caveat that “this is raw, unevaluated intelligence” and “provided for lead purposes.” I&A also conducts analysis of leads generated by open source collection on foreign nation state driven activity.

g. (U//FOUO) A description of any targeting packages or dossiers on individual suspects and any link analysis of protestors or individuals suspected of violence and their associates.

I&A did not produce “targeting packages” identifying lawful protestors for additional collection or analysis. I&A produced working materials, including “Baseball Cards,” a colloquial term for an “Operational Background Report,” for either related to attacks on critical infrastructure, law enforcement resources, or for potential acts of domestic terrorism. These operational background reports included identifying indicators of domestic violent extremism or coordination among violent actors.