

<b>From:</b>	Tomney, Christopher (b)(6)
	(b)(6)
<b>To:</b>	(b)(6)
	TORRES DAVID M (b)(6)
	(b)(6)
	PARAMORE FARON K (b)(6)
	(b)(6)
	NEWSOME III LEONZA (b)(6)
	(b)(6)
	FLORES, PETE ROMERO (b)(6)
	(b)(6)
	SULLIVAN, TIMOTHY P (b)(6)
	(b)(6)
	SCUDDER, KATHLEEN (b)(6)
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	FORET, VERNON T (b)(6)
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	Benner, Derek N (b)(6)
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	Ondocin, Michael (b)(6)
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	Cline, Richard K (b)(6)
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	Jones, Allen S (b)(6)
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	Havranek, John (b)(6)
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	Gereski Jr, John (b)(6)
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	Alles, Randolph (b)(6)
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Phillips, Shawn (b)(6)	
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Difalco, Frank (b)(6)	
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Maher, Joseph (b)(6)	
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McPherson, Brendan (b)(6)	
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	Patterson, Leonard E (b)(6)
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	Allen, Matthew C (b)(6)
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	Smislova, Melissa (b)(6)
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	DiFalco, Frank (b)(6)
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	SALZGABER, WAYNE (b)(6)
	(b)(6)
	BARKER, TONY L (b)(6)
	(b)(6)
<b>Subject:</b>	FW: (U/LES)-National Civil Unrest Summary for 6 January 2021
<b>Date:</b>	2021/01/06 06:30:00
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Civil unrest report for yesterday.

**From:** Tomney, Christopher  
**Sent:** Wednesday, January 6, 2021 6:28 AM  
**To:** (b)(6)  
 (b)(6) Alles, Randolph (b)(6) Patterson, Leonard E  
 (b)(6) Cline, Richard K (b)(6) Mizelle, Chad  
 (b)(6) Schultz, Karl ADM (b)(6) MURRAY JAMES M  
 (b)(6) Fahey, Jonathan (b)(6)  
**Cc:** Gountanis, John (b)(6) Erickson, Scott (b)(6)  
 HOULTON, TYLER (b)(6) ALFONSO-ROYALS, ANGELICA (b)(6)  
 (b)(6) PEREZ, ROBERT E (b)(6) Johnson, Tae D  
 (b)(6) Benner, Derek N (b)(6) Havranek, John  
 (b)(6)  
 (b)(6) Gereski Jr, John (b)(6) Phillips,  
 Shawn (b)(6) FLORES, PETE ROMERO  
 (b)(6) SALZGABER, WAYNE (b)(6) Ray,  
 Charles W ADM (b)(6) Buschman, Scott A VADM (b)(6)  
 NEWSOME III LEONZA (b)(6) EBERT BRIAN J (b)(6)  
**Subject:** (U/LES) National Civil Unrest Summary for 6 January 2021

**~~UNCLASSIFIED // LAW ENFORCEMENT SENSITIVE~~**

Good morning Mr. Secretary and senior leaders. Please find below this morning's summary of civil unrest. Washington, DC and Portland OR were the only locations that experienced unrest. Kenosha, WI remained peaceful despite the Kenosha District Attorney announcing on Tuesday there will be no charges made against the police officer involved in an August 2020 domestic incident response shooting.

**BLUF:** There were **NO** incidents of criminal or illegal activity directed at federal facilities or personnel and **NO** events where DHS law enforcement were deployed.

**Washington, DC:** In DC, approximately 3,000 gathered in Freedom Plaza during the day and into the night. Speakers addressed the crowd and protests remained peaceful until dark. The crowd began to dissipate after dark, but there were numerous altercations near BLM plaza. MPD deployed pepper spray while keeping opposing groups separated during the march / demonstration.

- • \* MPD made at least six arrests during the unrest. Two were for firearm charges, two for possession of carrying unregistered ammunition / magazines, one for simple assault, and one for possession of a prohibited weapon (taser).
- • \* There were no reported injuries.

Roughly 26 demonstration permits were approved by the US Park Police for 5 to 7 January including Freedom Plaza, Washington Monument, the National Mall Area and the Capitol. Permit application estimates indicate there could be approximately 30,000 people in attendance. At least 55 additional demonstrations have been mentioned on social media for 6 January, but it is unclear whether any are permitted, or if they are subgroups associated with larger demonstrations. Committed attendees for these smaller events appears to be minimal.

POTUS is scheduled to speak at 1100 EST 6 January at a permitted Women for America First event to be held on the White House Ellipse. Per National Park Service, expected attendance is around 5,000 participants. The event is scheduled from 0900 to 1200 EST; USPP is the lead federal agency for the event and USSS is in support.

**Portland, OR:** About 50 people marched to the Portland Police Bureau (PPB) North Precinct. Violent Opportunists threw glass bottles, paint and other objects toward police, blocked traffic with two dumpsters lit on fire, spray-painted graffiti on multiple store fronts, damaged police vehicle tires using spikes, and repeatedly moved temporary fencing in place outside the precinct.

- • \* PPB deployed several times to clear roads, restore the fencing, and keep agitators back from the precinct entrance.
- • \* PPB gave several warnings and made five arrests but did not declare an unlawful assembly or use non-lethal munitions.
- • \* There were no reported injuries.

The (b)(7)(E) in Portland for Tuesday evening was (b)(7)(E) (n/c).

**Kenosha, WI:** The Kenosha District Attorney announced there will be no charges made against the police officer involved in a 23 Aug 2020 domestic incident response shooting. Ensuing demonstrations remained peaceful, peaking at around 60 protesters.

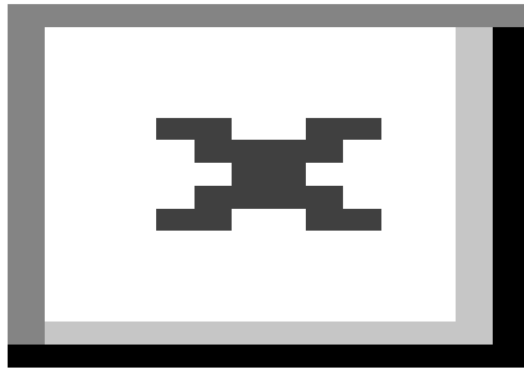
There are (b)(7)(E) National Guard Personnel in GA, WI and DC who remain activated or on standby for civil unrest. The DC National Guard has activated (b)(7)(E) personnel, with additional activations possible today.

As of today, DHS OPS and National Operations Center coordinated with Federal departments and agencies to identify any additional precautionary actions for enhanced security postures

and stood up the DHS Virtual Situation Room effective 0600 EST, 5 Jan to facilitate department and interagency communication and coordination. There are currently no unmet needs.

v/r

Chris



**~~UNCLASSIFIED // LAW ENFORCEMENT SENSITIVE~~**

*This communication is intended to provide timely information to homeland security partners for their situational awareness in executing their law enforcement and/or national security missions.*

~~The information marked **FOUO//LES** in this document is **FOR OFFICIAL USE ONLY (FOUO)//LAW ENFORCEMENT SENSITIVE (LES)** and may be exempt from public release under the Freedom of Information Act. This information is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official.~~

*DHS does not profile, target, or discriminate against any individual for exercising his or her First Amendment rights. Moreover, DHS will maintain no record describing how an individual exercises rights guaranteed by the First Amendment unless pertinent to and within the scope of an authorized law enforcement activity.*

<b>Sender:</b>	Tomney, Christopher (b)(6)	
	(b)(6)	

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	TORRES DAVID M (b)(6)
	(b)(6)
	PARAMORE FARON K (b)(6)
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	NEWSOME III LEONZA (b)(6)
	(b)(6)
	FLORES, PETE ROMERO (b)(6)
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	SULLIVAN, TIMOTHY P (b)(6)
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	SCUDDER, KATHLEEN (b)(6)
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	FOREI, VERNON T (b)(6)
	(b)(6)
	Benner, Derek N (b)(6)
	(b)(6)
	Ondocin, Michael (b)(6)
	(b)(6)
	Cline, Richard K (b)(6)
	(b)(6)
	Jones, Allen S (b)(6)
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	Havranek, John (b)(6)
	(b)(6)
<b>Recipient:</b>	Gereski Jr, John (b)(6)
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	Alles, Randolph (b)(6)
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	Corrado, Janene (b)(6)
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	Heinz, Todd (b)(6)
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	Phillips, Shawn (b)(6)
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	DiFalco, Frank (b)(6)
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	Maher, Joseph (b)(6)
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	McPherson, Brendan (b)(6)
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	Patterson, Leonard E (b)(6)
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	Allen, Matthew C (b)(6)
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	Smislova, Melissa (b)(6)
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	DiFalco, Frank (b)(6)
	(b)(6)
	SALZGABER, WAYNE (b)(6)
	(b)(6)
	BARKER, TONY L (b)(6)
	(b)(6)
<b>Sent Date:</b>	2021/01/06 06:30:10
<b>Delivered Date:</b>	2021/01/06 06:30:00

**From:** Tomney, Christopher  
**To:** Berkow, Michael SES  
**Subject:** FW: (U/LES) SNAP LE OPSDEPS - 1530 EST Today  
**Date:** Wednesday, January 6, 2021 3:20:00 PM  
**Importance:** High

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**From:** Phillips, Shawn (b)(6)  
**Sent:** Wednesday, January 6, 2021 3:15 PM  
**To:** DHS-OPS-DEPS (b)(6)  
**Cc:** OPS-Director (b)(6); NOC-Director (b)(6);  
DHS.JIAG.LEO\_WG (b)(6); NOC.CWO (b)(6);  
NOC.SWO.Restricted (b)(6)  
**Subject:** FW: (U/LES) SNAP LE OPSDEPS - 1530 EST Today  
**Importance:** High

All the Dir Tomney has convened a SNAP OPSDEP for the request for LE assistant by the USCP for events downtown. All LE Components are required and other OPSDEPS members are invited. Please see invitation below.

v/r

Shawn

Shawn A. Phillips  
Deputy Chief of Staff (Operations)  
Office of Operations Coordination (OPS)  
Department of Homeland Security  
(b)(6)

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**From:** Phillips, Shawn (b)(6)  
**Sent:** Wednesday, January 6, 2021 3:12 PM  
**To:** Tomney, Christopher (b)(6); Allen, Matthew C  
(b)(6); Alles, Randolph (b)(6); Benner, Derek N  
(b)(6); Buschman, Scott A VADM (b)(6); Camp,  
Claudia (b)(6)  
Cline, Richard K (b)(6); Corrado, Janene (b)(6)  
DeQuattro, Pat RADM (b)(6); DiFalco, Frank (b)(6)  
(b)(6)  
(b)(6); Erichs,  
Alysa (b)(6); FLORES, PETE ROMERO  
(b)(6); FORET, VERNON T (b)(6)

FRIED, ERIC (b)(6) Havranek,  
John (b)(6) Heinz, Todd (b)(6) Jones, Allen S  
(b)(6) LESANSKY, DAVID (b)(6) Maher, Joseph  
(b)(6) Matusiak, Vanessa (b)(6) MCCABE,  
MARK (b)(6)

(b)(6) NEWSOME III LEONZA (b)(6)

Ondocin, Michael (b)(6) OPS Advisor (b)(6)

PARAMORE FARON K (b)(6) PADILLA, MANUEL JR

(b)(6) Patterson, Leonard E (b)(6)

Phillips, Shawn (b)(6) Rohr, Karl (b)(6) SALZGABER,

WAYNE (b)(6) 'SELLERS FREDERICK E' (b)(6)

Smislova, Melissa (b)(6) SULLIVAN, TIMOTHY P

(b)(6) TORRES DAVID M (b)(6)

(b)(6) BARKER, TONY L (b)(6)

**Cc:** NOC.CWO (b)(6) NOC.SWO.Restricted (b)(6)

NOC.NDD (b)(6) NOC-Director (b)(6) OPS-Director

(b)(6)

**Subject:** (U/LES) SNAP LE OPSDEPS - 1530 EST Today

**Importance:** High

**The Director of Operations Coordination will convene a SNAP OPSDEPS Conference Call, Wed, 06 Jan 2021- 1530 EDT.**

- Purpose: Discuss LE support to USCP:

Agenda:

- Current situation (NOC)
- Request for LE Support to US Capitol
  - FPS – LEAD
  - CBP
  - ICE
  - USSS
  - TSA
- Required coordination.
- ROE
- C2
- 

- Classification: ~~Unclassified/Law Enforcement Sensitive~~

Please dial into the conference no later than 0855 EDT.

- Dial (b)(6)

If you need assistance, please contact the Office of Operations Coordination, National Operations



Center at (b)(6)

v/r

Shawn

Shawn A. Phillips  
Deputy Chief of Staff (Operations)  
Office of Operations Coordination (OPS)  
Department of Homeland Security

(b)(6)

<b>From:</b>	(b)(6)
<b>To:</b>	Tomney, Christopher (b)(6) (b)(6) Cline, Richard K (b)(6) (b)(6)
<b>CC:</b>	Havranek, John (b)(6) (b)(6)
<b>Subject:</b>	RE: (U//FOUO) OPS-NOC Note (Initial): Security Incident - US Capitol Washington DC (NOC 0026-21)
<b>Date:</b>	2021/01/06 15:25:08
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Sirs, I trust you're working closely with John on any legal questions, but please keep me copied on communications with DHS leadership and other government partners.

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**From:** NOC.SWO.Restricted (b)(6)  
**Sent:** Wednesday, January 6, 2021 3:14 PM  
**Cc:** NOC.SWO.Restricted (b)(6)  
**Subject:** (U//FOUO) OPS-NOC Note (Initial): Security Incident - US Capitol Washington DC (NOC 0026-21)

~~**UNCLASSIFIED // FOR OFFICIAL USE ONLY**~~

*This information is being provided for senior DHS and Component leaders. It is meant to increase senior leader situational awareness and is not for public release.*

**Overview:** Reports of shots fired in the chamber at the US House of Representatives

**Report:** The NOC received information of shots fired in the chamber of the US House of Representatives at the US Capitol Building in Washington DC. Reports of one injury due to a gunshot wound.

The NOC is coordinating with federal law enforcement for more information.

The NOC will continue to monitor and provide updates as needed.

**Source:** US Capitol Police

**Coordination:**

**OPS-NOC:** The Office of Operations Coordination National Operations Center is actively coordinating with federal and local law enforcement.

**CETC:** The Current and Emerging Threats Center (CETC) is actively engaging Homeland Security Enterprise and Intelligence Community partners for additional information and will report as warranted.

**Distribution:** DHS HQ Leadership and Senior Staff, DHS Component Leaders and Operations Centers, and the White House Situation Room.

Frederick Hill  
Senior Watch Officer  
DHS Office of Operations Coordination  
National Operations Center  
Comm: (b)(6)  
Secure: (b)(6)

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<b>Sender:</b>	(b)(6)
<b>Recipient:</b>	Tomney, Christopher (b)(6) (b)(6) Cline, Richard K (b)(6) (b)(6) Havranek, John (b)(6) (b)(6)
<b>Sent Date:</b>	2021/01/06 15:25:07
<b>Delivered Date:</b>	2021/01/06 15:25:08

<b>From:</b>	Gountanis, John (b)(6)
<b>To:</b>	Tomney, Christopher (b)(6) Erickson, Scott (b)(6)
<b>CC:</b>	Phillips, Shawn (b)(6)
<b>Subject:</b>	Re: (U//LES) SNAP OPSDEPS CONFERENCE CALL: Sunday, 03 Jan 2021 - at 0900 ET
<b>Date:</b>	2021/01/02 20:52:46
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Perfect, thank you.

---

**From:** Tomney, Christopher (b)(6)  
**Sent:** Saturday, January 2, 2021 8:51:26 PM  
**To:** Gountanis, John (b)(6); Erickson, Scott (b)(6)  
**Cc:** Phillips, Shawn (b)(6)  
**Subject:** FW: (U//LES) SNAP OPSDEPS CONFERENCE CALL: Sunday, 03 Jan 2021 - at 0900 ET

John/Scott: We are setting up a call for 0900 tomorrow with our usual suspects. I've spoken tonight to FBI Deputy Director, USSS and FPS. We have plans in the works with FBI, Metro Dc and are reaching out to our USCP LNO to understand their plans. I've asked Kris Cline to check with his buddy - (b)(6) USPP on their plans. No luck with (b)(6) at DOJ but have left messages.

We will get the read ahead out shortly after the call concludes...we will have a shell prepared to fill in the blanks after the call.

v/r Chris

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**From:** Tomney, Christopher (b)(6)  
**Sent:** Saturday, January 2, 2021 8:20 PM  
**To:** Allen, Matthew C (b)(6); Alles, Randolph (b)(6); Benner, Derek N (b)(6); Buschman, Scott A VADM (b)(6); Camp, Claudia (b)(6); Cline, Richard K (b)(6); Corrado, Janene (b)(6); DeQuattro, Pat RADM (b)(6); DiFalco, Frank (b)(6); FLORES, PETE ROMERO (b)(6); FORET, VERNON T (b)(6)

(b)(6) Gereski Jr, John  
 (b)(6) Havranek, John (b)(6) Heinz, Todd  
 (b)(6) Jones, Allen (b)(6)  
 (b)(6) Maher, Joseph (b)(6) Matusiak,  
 Vanessa (b)(6)  
 (b)(6) Morales, Lupe  
 (b)(6) NEWSOME III LEONZA (b)(6) Ondocin,  
 Michael (b)(6) OPS Advisor (b)(6)  
 PARAMORE FARON K (b)(6)  
 (b)(6) Patterson, Leonard E  
 (b)(6) Phillips, Shawn (b)(6) Rohr, Karl  
 (b)(6) SALZGABER, WAYNE (b)(6) SELLERS  
 FREDERICK E (b)(6)  
 (b)(6) SULLIVAN, TIMOTHY P  
 (b)(6) Tomney, Christopher  
 (b)(6) TORRES DAVID M (b)(6)  
 (b)(6)  
**Cc:** NOC.CWO (b)(6) NOC.SWO.Restricted  
 (b)(6) NOC.NDD (b)(6) NOC-Director (b)(6)  
 (b)(6) OPS-Director (b)(6)

**Subject:** (U//LES) SNAP OPSDEPS CONFERENCE CALL: Sunday, 03 Jan 2021 - at 0900 ET  
**Importance:** High

OPSDEPS Colleagues: I've asked the staff to schedule a SNAP OPSDEPS call tomorrow morning (3 Jan) at 0900 ET with the smaller DHS LE components and select staffs who have been involved in responding to civil unrest. The purpose is to ensure our Department is coordinated for potential civil unrest on 5-6 Jan as the final election results are announced. Additionally, the DHS Acting Secretary will be meeting virtually with select cabinet level heads to discuss the federal response/posture.

DHS OPS will coordinate an information paper that shares our coordination, existing and additional actions in the DC area to support the Secretary's meeting.

At a minimum, per past civil unrest calls, I'm looking for principal participation from FPS, CBP, ICE, USSS, USCG, TSA, OGC, I&A and the Office of the MILADV to discuss our posture for the events on Jan 5<sup>th</sup>/6<sup>th</sup>.

We will be using the DHS National Operation Center for facilitate the call and you can join by dialing (b)(6) The NOC will send out an invitation shortly as well.

Thank you for your continued support, especially on a Sunday morning.

v/r Chris

~~UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE~~

The Director of Operations Coordination will convene a SNAP OPSDEPS Conference Call, **Sunday, 03 Jan 2021- 0900 EDT.**

- • \* **Purpose:**
  - • \* Discuss DHS Posture for potential civil unrest in Washington, DC
- • \* **Classification:** ~~Unclassified/Law Enforcement Sensitive~~

Please dial into the conference no later than **0855 EDT.**

- • \* Dial

If you need assistance, please contact the Office of Operations Coordination, National Operations Center at

Very respectfully,

**Communications Watch Officer**  
**National Operations Center**  
**DHS Office of Operations Coordination**  
**Department of Homeland Security**  
**Office:**   
**Email:**

~~UNCLASSIFIED// LAW ENFORCEMENT SENSITIVE~~

<b>Sender:</b>	Gountanis, John </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B46E6391970346A3A04769774402D886-JOHN.GOUNTA>
<b>Recipient:</b>	Tomney, Christopher </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d51799964f9947acb6a64bba7062546d-Christopher>; Erickson, Scott </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2ae9aafd070423b96f93a1860d8d231-Scott.Erick>; Phillips, Shawn </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a2d78fa5054647808c71ec6403678282-Phillips, S>
<b>Sent Date:</b>	2021/01/02 20:52:44
<b>Delivered Date:</b>	2021/01/02 20:52:46

<b>From:</b>	Allen, Matthew C (b)(6)
<b>To:</b>	Tomney, Christopher (b)(6) (b)(6)
<b>CC:</b>	Lechleitner, Patrick J (b)(6) (b)(6)
<b>Subject:</b>	RE: (U//LES) SNAP OPSDEPS CONFERENCE CALL: Sunday, 03 Jan 2021 - at 0900 ET
<b>Date:</b>	2021/01/02 21:00:26
<b>Priority:</b>	Normal
<b>Type:</b>	Note

Roger that, Chris. One of us will be on.

Matt

**From:** Tomney, Christopher (b)(6)  
**Date:** Saturday, Jan 02, 2021, 8:20 PM  
**To:** Allen, Matthew C (b)(6) Alles, Randolph  
 (b)(6) Benner, Derek N (b)(6) Buschman, Scott  
 A VADM (b)(6) Camp, Claudia (b)(6)  
 (b)(6) Cline, Richard K  
 (b)(6) Corrado, Janene (b)(6) DeQuattro, Pat  
 RADM (b)(6) DiFalco, Frank (b)(6)  
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 (b)(6) FLORES, PETE ROMERO  
 (b)(6) FORET, VERNON T  
 (b)(6) Gereski Jr,  
 John (b)(6) Havranek, John (b)(6) Heinz,  
 Todd (b)(6) Jones, Allen S (b)(6)  
 (b)(6) Maher, Joseph (b)(6)  
 Matusiak, Vanessa (b)(6)  
 (b)(6)  
 Morales, Lupe (b)(6) NEWSOME III LEONZA  
 (b)(6) Ondocin, Michael (b)(6) OPS Advisor  
 (b)(6) PARAMORE FARON K (b)(6)  
 (b)(6) Patterson, Leonard E  
 (b)(6) Phillips, Shawn (b)(6) Rohr, Karl  
 (b)(6) SALZGABER, WAYNE (b)(6)  
 SELLERS FREDERICK E (b)(6)  
 (b)(6) SULLIVAN, TIMOTHY P  
 (b)(6) Tomney, Christopher  
 (b)(6) TORRES DAVID M (b)(6)  
 (b)(6)  
**Cc:** NOC.CWO (b)(6) NOC.SWO.Restricted  
 (b)(6) NOC.NDD (b)(6) NOC-Director (b)(6)  
 (b)(6) OPS-Director (b)(6)  
**Subject:** (U//LES) SNAP OPSDEPS CONFERENCE CALL: Sunday, 03 Jan 2021 - at 0900 ET

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We will be using the DHS National Operation Center for facilitate the call and you can join by dialing (b)(6) The NOC will send out an invitation shortly as well.

Thank you for your continued support, especially on a Sunday morning.

v/r Chris

~~UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE~~

The Director of Operations Coordination will convene a SNAP OPSDEPS Conference Call, **Sunday, 03 Jan 2021- 0900 EDT.**

- • \* **Purpose:**
  - • \* Discuss DHS Posture for potential civil unrest in Washington, DC
- • \* **Classification:** ~~Unclassified/Law Enforcement Sensitive~~

Please dial into the conference no later than **0855 EDT.**

- • \* Dial (b)(6)

If you need assistance, please contact the Office of Operations Coordination, National Operations Center at (b)(6)

Very respectfully,

**Communications Watch Officer  
National Operations Center**



**DHS Office of Operations Coordination  
Department of Homeland Security**

**Office:** (b)(6)  
**Email:** (b)(6)

~~UNCLASSIFIED// LAW ENFORCEMENT SENSITIVE~~

<b>Sender:</b>	Allen, Matthew C (b)(6)
<b>Recipient:</b>	Tomney, Christopher (b)(6)
	(b)(6)
	Lechleitner, Patrick J (b)(6)
	(b)(6)
<b>Sent Date:</b>	2021/01/02 21:00:19
<b>Delivered Date:</b>	2021/01/02 21:00:26

<b>From:</b>	(b)(6); (b)(7)(C)
<b>To:</b>	Tomney, Christopher </o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d51799964f9947acb6a64bba7062546d-Christopher>; Burns, David (CRM) <David.Burns3@usdoj.gov>
<b>Subject:</b>	RE: (U/LES) National Civil Unrest Summary for 6 January 2021
<b>Date:</b>	2021/01/06 10:47:56
<b>Priority:</b>	Normal
<b>Type:</b>	Note

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Thanks Chris

**From:** Tomney, Christopher (b)(6)  
**Sent:** Wednesday, January 6, 2021 6:32 AM  
**To:** (b)(6); (b)(6); (b)(7)(C)  
**Subject:** [EXTERNAL EMAIL] - FW: (U/LES) National Civil Unrest Summary for 6 January 2021

Good morning David/Dave: Civil unrest report for last night covers DC and Portland. Kenosha remained peaceful. v/r Chris

**From:** Tomney, Christopher  
**Sent:** Wednesday, January 6, 2021 6:28 AM  
**To:** (b)(6)  
 (b)(6) Altes, Randolph (b)(6) Patterson, Leonard E  
 (b)(6) Cline, Richard K (b)(6) Mizelle, Chad  
 (b)(6) Schultz, Karl ADM (b)(6) MURRAY JAMES M  
 (b)(6) Fahey, Jonathan (b)(6)  
**Cc:** Gountanis, John (b)(6) Erickson, Scott (b)(6)  
 HOULTON, TYLER (b)(6) ALFONSO-ROYALS, ANGELICA (b)(6)  
 (b)(6) PEREZ, ROBERT E (b)(6) Johnson, Tae D  
 (b)(6) Benner, Derek N (b)(6) Havranek, John  
 (b)(6)  
 (b)(6) Gereski Jr, John (b)(6) Phillips,  
 Shawn (b)(6) FLORES, PETE ROMERO  
 (b)(6) SALZGABER, WAYNE (b)(6) Ray,  
 Charles W ADM (b)(6) Buschman, Scott A VADM (b)(6)  
 NEWSOME III LEONZA (b)(6) EBERT BRIAN J (b)(6)  
**Subject:** (U/LES) National Civil Unrest Summary for 6 January 2021

~~UNCLASSIFIED // LAW ENFORCEMENT SENSITIVE~~

Good morning Mr. Secretary and senior leaders. Please find below this morning's summary of civil unrest. Washington, DC and Portland OR were the only locations that experienced unrest. Kenosha, WI remained peaceful despite the Kenosha District Attorney announcing on Tuesday there will be no charges made against the police officer involved in an August 2020 domestic incident response shooting.

**BLUF:** There were **NO** incidents of criminal or illegal activity directed at federal facilities or personnel and **NO** events where DHS law enforcement were deployed.

**Washington, DC:** In DC, approximately 3,000 gathered in Freedom Plaza during the day and into the night. Speakers addressed the crowd and protests remained peaceful until dark. The crowd began to dissipate after dark, but there were numerous altercations near BLM plaza. MPD deployed pepper spray while keeping opposing groups separated during the march / demonstration.

- • \* MPD made at least six arrests during the unrest. Two were for firearm charges, two for possession of carrying unregistered ammunition / magazines, one for simple assault, and one for possession of a prohibited weapon (taser).
- • \* There were no reported injuries.

Roughly 26 demonstration permits were approved by the US Park Police for 5 to 7 January including Freedom Plaza, Washington Monument, the National Mall Area and the Capitol. Permit application estimates indicate there could be approximately 30,000 people in attendance. At least 55 additional demonstrations have been mentioned on social media for 6 January, but it is unclear whether any are permitted, or if they are subgroups associated with larger demonstrations. Committed attendees for these smaller events appears to be minimal.

POTUS is scheduled to speak at 1100 EST 6 January at a permitted Women for America First event to be held on the White House Ellipse. Per National Park Service, expected attendance is around 5,000 participants. The event is scheduled from 0900 to 1200 EST; USPP is the lead federal agency for the event and USSS is in support.

**Portland, OR:** About 50 people marched to the Portland Police Bureau (PPB) North Precinct. Violent Opportunists threw glass bottles, paint and other objects toward police, blocked traffic with two dumpsters lit on fire, spray-painted graffiti on multiple store fronts, damaged police vehicle tires using spikes, and repeatedly moved temporary fencing in place outside the precinct.

- • \* PPB deployed several times to clear roads, restore the fencing, and keep agitators back from the precinct entrance.
- • \* PPB gave several warnings and made five arrests but did not declare an unlawful assembly or use non-lethal munitions.
- • \* There were no reported injuries.

The (b)(7)(E) in Portland for Tuesday evening was (b)(7)(E)

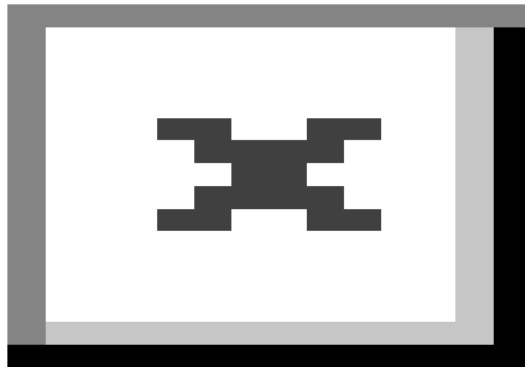
**Kenosha, WI:** The Kenosha District Attorney announced there will be no charges made against the police officer involved in a 23 Aug 2020 domestic incident response shooting. Ensuing demonstrations remained peaceful, peaking at around 60 protesters.

There are (b)(7)(E) National Guard Personnel in GA, WI and DC who remain activated or on standby for civil unrest. The DC National Guard has activated (b)(7)(E) personnel, with additional activations possible today.

As of today, DHS OPS and National Operations Center coordinated with Federal departments and agencies to identify any additional precautionary actions for enhanced security postures and stood up the DHS Virtual Situation Room effective 0600 EST, 5 Jan to facilitate department and interagency communication and coordination. There are currently no unmet needs.

v/r

Chris



~~UNCLASSIFIED // LAW ENFORCEMENT SENSITIVE~~

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<b>Sender:</b>	(b)(6); (b)(7)(C)
<b>Recipient:</b>	Tomney, Christopher (b)(6) (FYDIBOHF23SPDLT)/cn=recipients/cn=d5179996419947acb6a64bba7062546d-Christopher>; (b)(6)
<b>Sent Date:</b>	2021/01/06 10:47:45
<b>Delivered Date:</b>	2021/01/06 10:47:56

<b>From:</b>	Driggers, Richard (b)(6) (b)(6)
<b>To:</b>	Wales, Brandon (b)(6) (b)(6) Early, Emily (b)(6) (b)(6) Harris, Steven (b)(6) (b)(6) Clark, Alaina (b)(6) (b)(6) Walsh, Bridgette (b)(6) (b)(6) Breor, Scott (b)(6) (b)(6) DeLaurentis, Vincent (b)(6) (b)(6) Brown Jr., Billy (b)(6) (b)(6) Delaney, Laura (b)(6) (b)(6) Kolasky, Robert (b)(6) (b)(6) Kroese, Daniel (b)(6) (b)(6)
<b>CC:</b>	Sutherland, Daniel (b)(6) (b)(6) Moss, Rita (b)(6) (b)(6) Hill, David (b)(6) (b)(6)
<b>Subject:</b>	OPS Deps Back-brief (8 December 2020) (FOUO)
<b>Date:</b>	2020/12/08 12:26:11
<b>Priority:</b>	Normal
<b>Type:</b>	Note

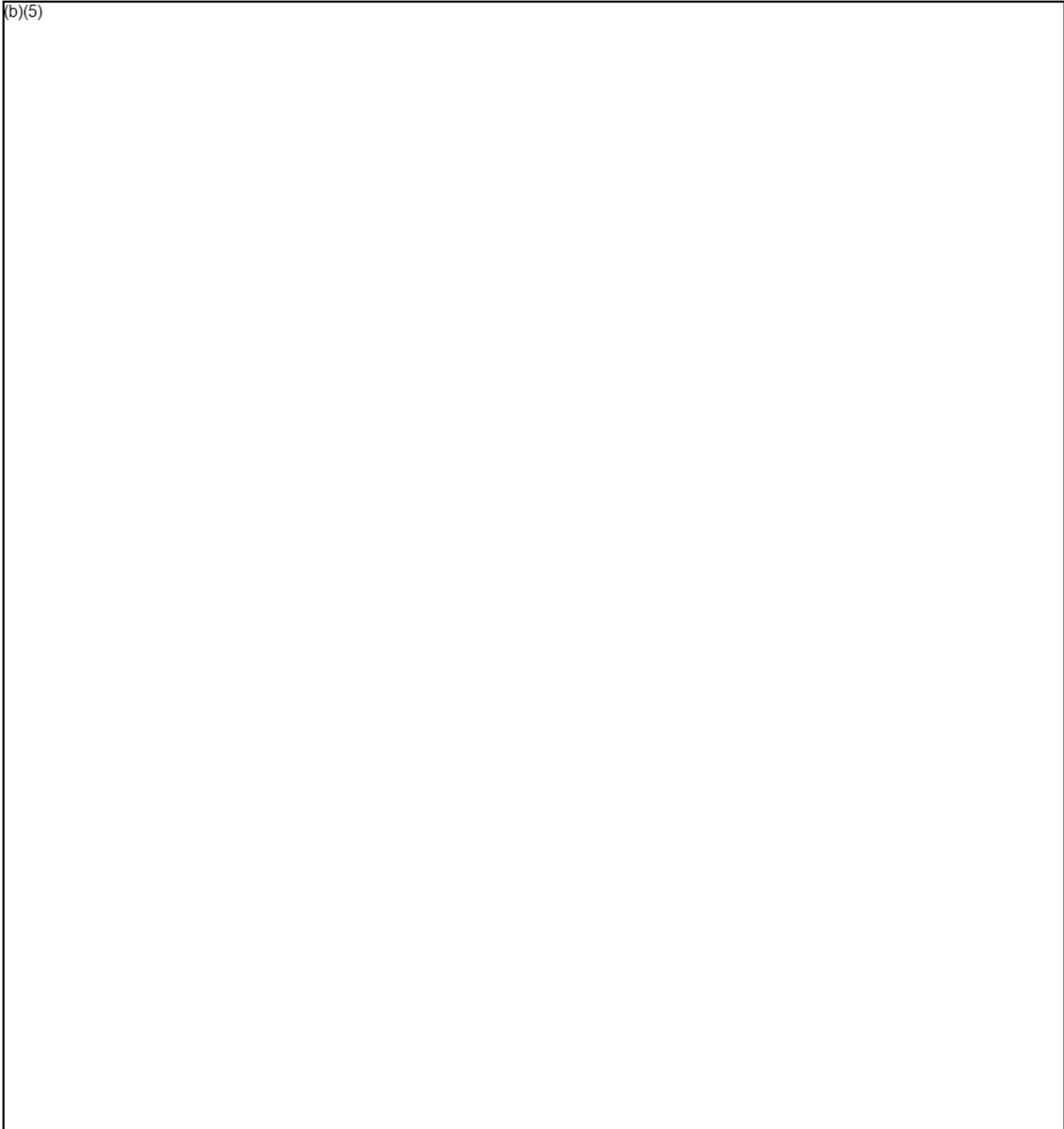
Team, each Tuesday the DHS Office of Operations Coordination host the DHS Operations Deputies (OPSDEPS) Board meeting to discuss ongoing operations and operational issues across DHS. I normally don't share the notes from the OPSDEPS meeting unless there is broad relevance or interest to CISA.

Highlighted below the cut line are relevant notes from today's OPSDEPS meeting.

-----CUT LINE-----

(b)(5)

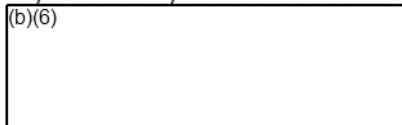
(b)(5)



Rick

**Richard J. Driggers**  
Assistant Director  
Integrated Operations Division  
Cybersecurity and Infrastructure Security Agency

(b)(6)



(b)(6)

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<b>Sender:</b>	Driggers, Richard (b)(6)
	(b)(6)
<b>Recipient:</b>	Wales, Brandon (b)(6)
	(b)(6)
	Early, Emily (b)(6)
	(b)(6)
	Harris, Steven (b)(6)
	(b)(6)
	Clark, Alaina (b)(6)
	(b)(6)
	Walsh, Bridgette (b)(6)
	(b)(6)
	Breor, Scott (b)(6)
	(b)(6)
	Delaurentis, Vincent (b)(6)
	(b)(6)
	Brown Jr., Billy (b)(6)
	(b)(6)
Delaney, Laura (b)(6)	
(b)(6)	
Kolasky, Robert (b)(6)	
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Kroese, Daniel (b)(6)	
(b)(6)	
Sutherland, Daniel (b)(6)	
(b)(6)	
Moss, Rita (b)(6)	
(b)(6)	
Hill, David (b)(6)	
(b)(6)	
<b>Sent Date:</b>	2020/12/08 12:26:09
<b>Delivered Date:</b>	2020/12/08 12:26:11



Page 25

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

Page 26

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(b)(5)

of the Freedom of Information and Privacy Act

Page 27

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Page 28

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(b)(5)

of the Freedom of Information and Privacy Act

Page 29

Withheld pursuant to exemption

(b)(5)

of the Freedom of Information and Privacy Act

<b>From:</b>	NOC.NDD (b)(6) (b)(6)
<b>To:</b>	OPS-Director (b)(6) (b)(6) NOC-Director (b)(6) (b)(6)
<b>CC:</b>	SBS-All (b)(6) (b)(6) NOC.SWO.Restricted (b)(6) (b)(6) NOC.NDD (b)(6) (b)(6)
<b>Subject:</b>	Civil Unrest Summary for 31 Dec 20
<b>Date:</b>	2020/12/31 04:52:00
<b>Priority:</b>	Normal
<b>Type:</b>	Note

**UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE**

Director Tomney,

Please find below this morning's summary of civil unrest overnight. Peaceful First Amendment-protected activity occurred in Portland OR, Minneapolis MN and Los Angeles, CA.

**BLUF:** There were **no** incidents of civil unrest directed at federal facilities or personnel. FPS made **no** arrests and reported **no** injuries and **no** damage to federal property.

**Portland, OR:** Approximately 50 peaceful protesters marched ¼ mile from Director Park to the Multnomah County Justice Center and back, dispersing by 0145 EST. Although social media indicates damage to a few businesses along the group's path, there has been no official reporting by Portland Police Bureau.

**Minneapolis, MN:** Approximately 100 peaceful protesters gathered in downtown Minneapolis to protest a fatal police shooting which occurred last night.

- • Police effected a traffic stop of a felony suspect at a filling station, where the suspect exited his vehicle and shot at them. The suspect was killed in the ensuing exchange of gunfire, but his female passenger was unharmed.
- • Police established a heavy presence when protesters gathered near the scene of the incident. All remained peaceful, dispersing by 0100 EST.
- • Law enforcement officials plan to release bodycam recordings of the incident today.

**Los Angeles, CA:** A group protesting the state mandate for wearing masks scuffled with a counter protest group wanting to shield the local homeless population from

possible COVID infection. There are no reported injuries, arrests or confrontations with police.

The National Guard Bureau reports (b)(7)(E) personnel remain activated or on standby related to civil unrest in two states: GA and TX. The (b)(7)(E) in Portland, OR Tuesday evening was (b)(7)(E)

**Mark Pankow**  
**Duty Director**  
**DHS Office of Operations Coordination**  
**National Operations Center**

(b)(6)

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**UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE**

<b>Sender:</b>	NOC.NDD (b)(7)(E) (b)(7)(E)
<b>Recipient:</b>	OPS-Director (b)(7)(E) (b)(7)(E) NOC-Director (b)(7)(E) (b)(7)(E) SBS-All (b)(7)(E) (b)(7)(E) NOC.SWO.Restricted (b)(7)(E) (b)(7)(E) NOC.NDD (b)(7)(E) (b)(7)(E)
<b>Sent Date:</b>	2020/12/31 04:51:58
<b>Delivered Date:</b>	2020/12/31 04:52:00
<b>Message Flags:</b>	Unread

<b>From:</b>	NOC.NDD (b)(7)(E) (b)(7)(E)
<b>To:</b>	OPS-Director (b)(7)(E) (b)(7)(E) NOC-Director (b)(7)(E) (b)(7)(E)
<b>CC:</b>	SBS-All (b)(7)(E) (b)(7)(E) NOC.SWO.Restricted (b)(7)(E) (b)(7)(E) NOC.NDD (b)(7)(E) (b)(7)(E)
<b>Subject:</b>	{U//LES} National Civil Unrest Summary for 2 January 21
<b>Date:</b>	2021/01/02 05:24:03
<b>Priority:</b>	Normal
<b>Type:</b>	Note

~~UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE~~

Director Tomney,

Please find below this morning's summary of civil unrest. Salem OR was the only location that experienced unrest.

**BLUF:** There were **NO** incidents of criminal or illegal activity directed at federal facilities or personnel and **NO** events where DHS law enforcement were deployed. There was **one** report of demonstration-related unlawful activity in Salem, OR.

**Salem, OR:** In the afternoon, a crowd of about 200 people started at the capitol building and marched to the governor's residence. After several hours of peaceful demonstrations, a small group clashed with a counter group as they returned downtown. Salem Police declared an unlawful assembly and made numerous arrests. There was no violence reported at the governor's residence.

- Salem Police, Oregon State Police and the Marion County Sheriff's Office were deployed and monitored the crowd.
- Salem Police declared an unlawful assembly after incidents of violence between groups of counter protesters.
- Aggressive VOs used pepper spray or some other chemical against officers.
- Law enforcement officials made numerous arrests for unknown charges. They did not employ less than lethal munitions to disperse the crowd.

On 31 Dec, (b)(7)(E) National Guard personnel in TX demobilized. GA is now the only state with National Guard personnel (b)(7)(E) activated or on standby for civil unrest.



(b)(7)(E) remains at (b)(7)(E) in Portland. FPS advises they have postponed their plan to remove the fencing from the Hatfield Federal Courthouse in Portland OR for up to 60 days.

v/r  
Mark Pankow  
Duty Director  
DHS Office of Operations Coordination  
National Operations Center

(b)(6)

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~~UNCLASSIFIED//LAW ENFORCEMENT SENSITIVE~~

<b>Sender:</b>	NOC.NDD (b)(6) (b)(6)
<b>Recipient:</b>	OPS-Director (b)(6) (b)(6) NOC-Director (b)(6) (b)(6) SBS-All (b)(6) (b)(6) NOC.SWO.Restricted (b)(6) (b)(6) NOC.NDD (b)(6) (b)(6)
<b>Sent Date:</b>	2021/01/02 05:24:00
<b>Delivered Date:</b>	2021/01/02 05:24:03
<b>Message Flags:</b>	Unread

<b>From:</b>	Nordhaus, Steven S Maj Gen USAF NG NGB (USA) (b)(6)
<b>To:</b>	Brundage, William (b)(6) (b)(6) McPherson, Brendan (b)(6) (b)(6)
<b>CC:</b>	(b)(6) Salazar, Ronald (b)(6) (b)(6)
<b>Subject:</b>	RE: [Non-DoD Source] Re: NCR Protest Activity This Week
<b>Date:</b>	2021/01/03 10:39:35
<b>Priority:</b>	Normal
<b>Type:</b>	Note.SMIME.MultipartSigned

Brendan,

Happy New Year Brendan and team. MG Walker, Commanding General District of Columbia National Guard, received this attached request a few days ago from HSEMA. SECARMY is reviewing, and no decisions have been made at this time. I believe there are additional meetings tomorrow to discuss.

Vr,

Spock

Steven S. Nordhaus, Maj Gen  
Director of Operations, NGB

(b)(6)

**From:** Brundage, William (b)(6)  
**Sent:** Sunday, January 3, 2021 10:14 AM  
**To:** McPherson, Brendan (b)(6) Nordhaus, Steven S Maj Gen USAF NG NGB (USA) (b)(6)  
**Cc:** (b)(6) Salazar, Ronald (b)(6)  
 (b)(6)  
**Subject:** [Non-DoD Source] Re: NCR Protest Activity This Week

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Admiral, tracking your conversation with Maj Gen Nordhaus, let me know if you need anything from here?

William "Bill" Brundage

(b)(6)

---

**From:** McPherson, Brendan (b)(6)  
**Sent:** Sunday, January 3, 2021 7:48 AM  
**To:** Nordhaus, Steven S Maj Gen USAF NG NGB (USA)  
**Cc:** (b)(6) Salazar, Ronald; Brundage, William; (b)(6)  
**Subject:** NCR Protest Activity This Week

Good morning, Steve, and Happy New Year!

Sorry to bother you on a Sunday morning. I just got off a DHS intra-agency call discussing contingency plans in response to potential protest activity in the NCR next week, specifically Jan. 5-6. It is also my understanding that there will be a Cabinet level meeting later today on the same subject.

DHS is planning to (b)(7)(E)

(b)(7)(E) as they did in the past over the summer to protect Federal properties in the NCR. As those plans get solidified over the next 24 hours, I'll ensure you and NGB are aware of those plans. In addition, we will be activating our virtual DHS Situation Room again, and I'll ensure both NGB and NCC are invited to participate so they can monitor operations.

Are there any contingency plans to mobilize NG for these events? If so, it would be helpful to know how many NG members may be mobilized (or in standby status) and which agencies, generally, they may be supporting.

Vr,

Brendan

Brendan C. McPherson  
Rear Admiral, U.S. Coast Guard  
Military Advisor to the Secretary  
Department of Homeland Security

(b)(6)



cid:image001.png@01D3E224.B210ECB0

<b>Sender:</b>	Nordhaus, Steven S Maj Gen USAF NG NGB (USA) (b)(6)
<b>Recipient:</b>	Brundage, William (b)(6)
	(b)(6)
	McPherson, Brendan (b)(6)
	(b)(6)
	Salazar, Ronald (b)(6)
	(b)(6)
<b>Sent Date:</b>	2021/01/03 10:38:35
<b>Delivered Date:</b>	2021/01/03 10:39:35

<b>Question#:</b>	1
<b>Topic:</b>	Use of Force Investigations I
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the hearing, you testified that the federal agents who beat and pepper sprayed navy veteran Christopher Davis and shot Donovan LaBella in the head were not agents from the Department of Homeland Security (DHS). You, however, indicated that DHS investigates all uses of force by its agents. You further committed to providing the results of these investigations to the Senate Judiciary Subcommittee on the Constitution.

Please identify the number of use of force investigations that DHS has opened regarding use of force by DHS agents in Portland, Oregon since May 25, 2020.

(b)(5)

<b>Question#:</b>	1
<b>Topic:</b>	Use of Force Investigations I
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

**Question:** Please identify the number of uses of force investigations that DHS has completed regarding use of force by DHS agents in Portland, Oregon since May 25, 2020.

(b)(5)

**Question:** For the investigations that have been completed, please detail the dispositions of investigations, including: any disciplinary actions taken, referrals for criminal charges, findings of inappropriate or appropriate uses of force and the description of the force used, and other actions taken in response to the investigations.

(b)(5)

<b>Question#:</b>	1
<b>Topic:</b>	Use of Force Investigations I
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

**Question:** As the investigations are being completed, please provide updates on the results of these investigations to the Senate Judiciary Subcommittee on the Constitution.

(b)(5)

<b>Question#:</b>	2
<b>Topic:</b>	Use of Force Investigations II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the hearing, I asked you about the court declarations submitted from multiple journalists who swore under oath that federal agents in Portland specifically attacked them, even though they were unmistakably marked as press. One journalist described federal agents shooting him in the chest and aiming a tear gas canister at his head, while he filmed the agents using force against a dancing protester. Another press videographer explained he had covered conflict zones around the world, including ISIS in Northern Syria, and never had weapons aimed or discharged at him as he did by federal agents in Portland. You stated that DHS is investigating all uses of force by DHS agents, including against journalists.

How many investigations have you opened involving uses of force by DHS agents against journalists?

Please provide the results of the investigations to the Senate Judiciary Subcommittee on the Constitution.

(b)(5)

**Question:** How many of the investigations involving uses of force against journalists have been completed?

(b)(5)



<b>Question#:</b>	2
<b>Topic:</b>	Use of Force Investigations II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Please provide the results of the investigations to the Senate Judiciary Subcommittee on the Constitution.

(b)(5)

DRAFT

<b>Question#:</b>	3
<b>Topic:</b>	False Press Labels
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** You claimed at the hearing that violent rioters are misidentifying themselves with the label "PRESS" in Portland.

There were numerous journalists who filed a sworn declaration in court that federal agents specifically attacked them despite clear labels identifying themselves as press. How many violent rioters have falsely worn labels indicating "PRESS" in Portland, based on fact-based evidence, not your opinion? Please provide this evidence to support your claim that violent rioters are pretending to be journalists by wearing labels indicating "PRESS."

(b)(5)

<b>Question#:</b>	4
<b>Topic:</b>	White Supremacists
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** According to the Center for Strategic and International Studies, which studied politically motivated attacks, there have been zero killings by anti-fascists in the past 26 years. By contrast, during that time, at least 329 victims were killed by white supremacists and other right-wing extremists.

The Department of Homeland Security (DHS) has been outspoken in blaming antifa and anarchists for violence, but it has been relatively muted about white supremacist violence at protests. Since a neo-Nazi drove a car into a crowd killing Heather Heyer in Charlottesville in 2017, there has been a resurgence of right-wing internet memes encouraging this tactic with messages like "All lives splatter." Since then, at least 19 people have driven through recent mass protests for racial justice.

What actions has DHS taken to address violence by white supremacists and right-wing extremists, including this tactic of running over protesters?

Please provide details of the number of cases DHS is investigating involving violence by white supremacist and other right-wing extremist organizations at protests or rallies.

Please provide details of the number of charges and the specifics of the charges DHS has brought against white supremacist and other right-wing extremist organizations that have committed acts of violence at protests or rallies.

(b)(5)

<b>Question#:</b>	4
<b>Topic:</b>	White Supremacists
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	4
<b>Topic:</b>	White Supremacists
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

DRAFT

<b>Question#:</b>	5
<b>Topic:</b>	Tweets
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** You have tweeted and retweeted numerous unsubstantiated accusations of violence by antifa and Portland protesters, calling it "Domestic. Terrorism."

How many times have you tweeted about violence by white supremacists and right- wing extremists at protests?

How many times have you called acts of violence by white supremacists and right- wing extremists at protests "Domestic. Terrorism"?

(b)(5)

<b>Question#:</b>	6
<b>Topic:</b>	Response to White Supremacists
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The New York Times recently reported that the Federal Bureau of Investigation (FBI) and DHS issued memos early on, calling for an aggressive federal response in suppressing protests against police brutality in the wake George Floyd's killing. The memos reveal that the federal government viewed these calls for racial justice as a threat by "violent protesters, instigators."

The DHS memo admitted it had little understanding of the motives for acts of violence in Portland, noting it had "low confidence in [its] assessment," and simply pointing to past crimes by "anarchist extremists" in the Pacific Northwest.

Did DHS issue similar memos calling for an aggressive federal response when right-wing extremists and white supremacists held protests in Charlottesville, Michigan, and other places throughout the country?

Do you believe the Black Lives Matter protests are a threat to our nation's security?

(b)(5)

<b>Question#:</b>	6
<b>Topic:</b>	Response to White Supremacists
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

DRAFT



<b>Question#:</b>	7
<b>Topic:</b>	Law Enforcement Procedures
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** There have been numerous recorded accounts, including on video, of federal agents in Portland using excessive and indiscriminate force against nonviolent protesters, including in potentially lethal ways. This includes shooting a 26-year-old protester in the face and shooting journalists in the chest with less lethal munitions. Federal agents have also taken protesters off the street and forced the individuals into unmarked vans, without identifying themselves or explaining what they were doing.

Do you think it is ever appropriate for federal agents to grab a person off the street who is not committing any crime and force the person in an unmarked car, without identifying who they are or why they are seizing the person?

(b)(5)

<b>Question#:</b>	7
<b>Topic:</b>	Law Enforcement Procedures
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

**Question:** You told NPR that taking people off the street and putting them in unmarked vans to take them elsewhere is “standard law enforcement procedure.” Please provide the documents that indicate this tactic is ‘standard law enforcement procedure.’

(b)(5)

**Question:** Under what legal authority has DHS deployed federal troops in Portland despite opposition from state and local officials? It cannot be to merely protect the federal courthouse because federal agents have gone beyond where there are federal buildings.

(b)(5)

<b>Question#:</b>	8
<b>Topic:</b>	Using Alt-Right Members
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In 2017, an alt-right rally was organized in Portland to "thank" Trump. Thousands of people, including immigrant, religious, and labor groups, counter-protested the event. A photojournalist reported that DHS agents watched passively while he and counter protesters were attacked by pro-Trump demonstrators. By contrast, DHS agents reportedly used alt-right militia members to help arrest counter-protesters who got in altercations with alt-right activists. In fact, one right-wing militia member claimed he was instructed by DHS police to assist in these arrests.

The U.S. Attorney's Office in Oregon reportedly indicated it was investigating one of the arrests of a protester, which included two far-right militia members assisting DHS Federal Protective Service officers in the arrest by grabbing and throwing the protester to the ground and helping restrain and handcuff the protester. Please provide the results of that investigation.

Has DHS ever coordinated with or sought assistance from alt-right members in conducting law enforcement functions, such as arresting an individual?

(b)(5)

**Question:** Has DHS ever coordinated with or sought assistance from alt-right members in conducting law enforcement functions, such as arresting an individual?

(b)(5)

<b>Question#:</b>	9
<b>Topic:</b>	Labeling
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Last weekend, the Washington Post reported that Brian Murphy, the acting undersecretary for intelligence and analysis, had been removed from his position after reports revealed that his office had been gathering intelligence on journalists and protesters. Before Brian Murphy was removed as acting undersecretary for intelligence and analysis, he reportedly tried to curry favor with the White House by labeling those who committed acts of violence or property destruction during the Portland protests as "violent antifa anarchists." He ordered the use of this label despite an earlier DHS analysis that found there was not enough information about these individuals to know if they were connected to anti-fascist or anarchist groups.

Do you agree that it is dangerous and reckless for the DHS intelligence office to misidentify the nature of the protests to please the White House?

(b)(5)

**Question:** Did you play any role in Mr. Murphy's decision to label these individuals as "violent antifa anarchists"?

When Mr. Murphy made this highly inflammatory label change, did you require the DHS Intelligence and Analysis office to provide evidence to support its decision? If so, please provide that information to this Subcommittee.

(b)(5)

<b>Question#:</b>	9
<b>Topic:</b>	Labeling
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

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<b>Question#:</b>	10
<b>Topic:</b>	Riot Control Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Last month, a DHS briefing memo warned that the DHS agents deployed to Portland did not "specifically have training in riot control or mass demonstrations." The egregious uses of force against protesters in Portland seem to bear this out. Federal agents have misused tear gas and less lethal munitions against protesters in dangerous ways, causing serious injuries.

Were the DHS agents trained in de-escalation tactics before they were deployed to Portland? If so, please identify the de-escalation tactics they have employed in Portland.

(b)(5)

<b>Question#:</b>	10
<b>Topic:</b>	Riot Control Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

**Question:** Were DHS agents trained to not aim less lethal munitions and tear gas canisters at the heads or vital areas of protesters, journalists, and other bystanders?

(b)(5)

<b>Question#:</b>	10
<b>Topic:</b>	Riot Control Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

**Question:** If so, will the agents who violated this policy face discipline?

(b)(5)



<b>Question#:</b>	10
<b>Topic:</b>	Riot Control Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

DRAFT

<b>Question#:</b>	11
<b>Topic:</b>	Protecting Black Lives
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The New York Times reported that the Black Lives Matter protests following the killing of George Floyd by Minneapolis police officers may be the largest movement in U.S. history, in terms of the size of the protests. An estimated 15 to 26 million people have participated these protests, half of whom have said this was the first involvement in a demonstration. In Portland, these protests have included high school students, military veterans, and a wall of moms seeking to protect younger protesters from unjustified uses of force by federal agents. These millions of Americans across the country have been calling for racial justice and an end to police brutality against Black Americans.

DHS has sent federal agents to Portland to purportedly protect statues, monuments, and federal buildings. What steps have you personally taken to address racial injustice in policing and protecting the lives of Black Americans?

(b)(5)

<b>Question#:</b>	11
<b>Topic:</b>	Protecting Black Lives
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	11
<b>Topic:</b>	Protecting Black Lives
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

DRAFT

<b>Question#:</b>	12
<b>Topic:</b>	Martin Gugino
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Mazie K. Hirono
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In June 2020, police officers shoved to the ground 75-year-old Martin Gugino - a longtime peace activist in Buffalo, New York - causing him to bleed from his head. In response, President Trump spread a conspiracy theory accusing Mr. Gugino of being "an ANTIFA provocateur." This false claim appears to have originated on a fringe right-wing website.

Does DHS have any evidence that Mr. Gugino, a 75-year-old peace activist is an "antifa provocateur"? If so, please provide this evidence to this Subcommittee.

Do you think DHS has any responsibility to correct these baseless conspiracy theories by the President?

(b)(5)

<b>Question#:</b>	13
<b>Topic:</b>	Seizures in Portland
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the hearing, you testified that DHS agents have arrested 43 people in Portland since July 4, 2020.

How many people in Portland have been seized but not ultimately arrested by DHS agents during that period?

(b)(5)

**Question:** How many people in Portland have been questioned by DHS agents during that period?

(b)(5)

**Question:** How does DHS document arrests made by its officers? How does DHS document when its officers seize and/or question people but do not arrest them? If such forms exist, please provide a sample.

(b)(5)

<b>Question#:</b>	14
<b>Topic:</b>	Crowd-Control Training I
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the hearing, you testified that "[a]ll DHS law enforcement personnel in Portland are trained in the conduct of appropriate tactics and procedures to conduct our missions while protecting civil liberties and promoting public safety and the safety of our officers."

What specific training have DHS law enforcement personnel received on appropriate crowd-control during mass demonstrations (excluding any training on responding to riots in detention facilities)? Please provide a copy of any related training materials.

(b)(5)

<b>Question#:</b>	14
<b>Topic:</b>	Crowd-Control Training I
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)



<b>Question#:</b>	14
<b>Topic:</b>	Crowd-Control Training I
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

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<b>Question#:</b>	15
<b>Topic:</b>	De-escalation Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What specific training have DHS law enforcement personnel received on de-escalation techniques during mass demonstrations (excluding any training on responding to riots in detention facilities)? Please provide a copy of any related training materials.

(b)(5)

<b>Question#:</b>	15
<b>Topic:</b>	De-escalation Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

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<b>Question#:</b>	16
<b>Topic:</b>	Use of Force Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What specific training have DHS law enforcement personnel received on when it is appropriate to use force, including tear gas, pepper spray, and less-lethal munitions, during mass demonstrations (excluding any training on responding to riots in detention facilities)? Please provide a copy of any related training materials.

(b)(5)

<b>Question#:</b>	16
<b>Topic:</b>	Use of Force Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	16
<b>Topic:</b>	Use of Force Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	16
<b>Topic:</b>	Use of Force Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	16
<b>Topic:</b>	Use of Force Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

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<b>Question#:</b>	17
<b>Topic:</b>	Unmarked Vehicle Guidance
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What guidance have DHS law enforcement personnel received on when to use unmarked vehicles? Please provide a copy of any related training materials or memoranda.

(b)(5)

<b>Question#:</b>	17
<b>Topic:</b>	Unmarked Vehicle Guidance
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

DRAFT

<b>Question#:</b>	18
<b>Topic:</b>	Personal Identifier Guidance
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** What guidance have DHS law enforcement personnel received on when to remove unique personal identifiers from their uniforms? Please provide a copy of any related training materials or memoranda.

(b)(5)

<b>Question#:</b>	19
<b>Topic:</b>	Riot Training
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** A July 16 internal DHS memo stated that the DHS agents "assigned to support the civil unrest and riots do not specifically have training in riot control or mass demonstrations. Moving forward, if this type of response is going to be the norm, specialized training and standardized equipment should be deployed to responding agencies." Do you disagree with that assessment?

(b)(5)

<b>Question#:</b>	20
<b>Topic:</b>	Counterterrorism Assessment
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Sheldon Whitehouse
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** According to The Nation, an internal FBI situation report entitled "Civil Unrest in Washington AOR [Area of Responsibility] Following Death of George Floyd" stated that "the FBI's Washington Field Office 'has no intelligence indicating Antifa involvement/presence' in the violence that occurred on May 31 during the D.C.-area protests over the murder of George Floyd. The report noted, however, that a far-right social media group had "called for far-right provocateurs to attack federal agents, use automatic weapons against protesters." Similarly, a July 16 memo from DHS' Counterterrorism Mission Center admitted that the agency has "low confidence in our assessment that sustained violence against government personnel and facilities in Portland . . . reflects the enduring threat environment in the region because we lack insight into the motives for the most recent attacks."

Do you have any reason to doubt the assessment of the FBI or DHS' Counterterrorism Mission Center?

(b)(5)

<b>Question#:</b>	21
<b>Topic:</b>	Agencies Involved
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Which Department of Homeland Security (DHS) agencies were involved in the response to the Portland protests?

(b)(5)

**Question:** Please explain how each agency was involved.

(b)(5)

**Question:** Please provide the number of personnel from each agency that were dispatched to Portland as part of the response.

(b)(5)

<b>Question#:</b>	22
<b>Topic:</b>	Crowd-Control Training II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** You testified that all DHS law enforcement personnel dispatched to Portland were "trained in the conduct of appropriate tactics and procedures to conduct our missions while protecting civil liberties and promoting public safety and the safety of our officers."

Please provide details of the training that these officers have received that relates to crowd control and responses to protests.

(b)(5)

<b>Question#:</b>	22
<b>Topic:</b>	Crowd-Control Training II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)



<b>Question#:</b>	22
<b>Topic:</b>	Crowd-Control Training II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	22
<b>Topic:</b>	Crowd-Control Training II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	22
<b>Topic:</b>	Crowd-Control Training II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

**Question:** During the hearing, I appreciated your commitment to provide the number of hours of crowd control training these officers received, disaggregated by agency. Please provide this information, and please also specify whether such training was provided in the normal course to prepare them for their usual assignments or provided recently specific to their assignment to respond to the ongoing protests.

(b)(5)

<b>Question#:</b>	22
<b>Topic:</b>	Crowd-Control Training II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

**Question:** Please provide to the Subcommittee any training materials that were prepared specific to this assignment.

(b)(5)

<b>Question#:</b>	22
<b>Topic:</b>	Crowd-Control Training II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Do you believe additional training is needed to address DHS officers' uses of force during the response to the Portland protests? Please explain.

(b)(5)

DRAFT

<b>Question#:</b>	23
<b>Topic:</b>	DHS Rules of Engagement
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At the hearing, I asked you about the rules of engagement that DHS law enforcement personnel are operating under when engaged in crowd control or response to protests.

Please provide these rules of engagement to the Subcommittee.

Under applicable rules of engagement, what is the standard for when DHS personnel may use the following in response to protests:

Rubber bullets;

Tear gas;

Pepper spray; and

TASERS?

(b)(5)

<b>Question#:</b>	23
<b>Topic:</b>	DHS Rules of Engagement
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

(b)(5)

<b>Question#:</b>	24
<b>Topic:</b>	Firing Munitions
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Is it ever acceptable under DHS rules for personnel to fire impact munitions or tear gas at an individual who is nonviolent? If so, please explain.

(b)(5)

**Question:** Is it ever acceptable under DHS rules for personnel to fire impact munitions or tear gas at an individual's head? If so, please explain.

(b)(5)



<b>Question#:</b>	25
<b>Topic:</b>	Crowd-Control Rules
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In your testimony, you indicated that "one of the challenges" DHS faces is when there are one or two people who are not complying with officers' orders in a crowd where others are attempting to do so. Please provide applicable rules or policies that DHS personnel are provided on how to respond in these circumstances.

(b)(5)

<b>Question#:</b>	26
<b>Topic:</b>	Probable Cause I
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** At a press conference on July 21, 2020, the Deputy Director of the Federal Protective Service described an incident in which a protestor was taken by Customs and Border Protection agents, placed into a van, and transported to an alternate location to be questioned. Deputy Director Cline stated that this was not a "custodial arrest."

Do you acknowledge that under the Fourth Amendment, law enforcement officers are prohibited from making an arrest unless the officer has probable cause?

(b)(5)

**Question:** Do you acknowledge that, absent consent, law enforcement officers require probable cause in order to place a protestor into a van and transport them to a different location for questioning, because that is "indistinguishable" from an arrest under *Dunaway v. New York*, 442 U.S. 200 (1979)? If not, why not?

(b)(5)

<b>Question#:</b>	27
<b>Topic:</b>	Custodial Arrests
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** Do you disavow Deputy Director Cline's statement that the action in question did not constitute a "custodial arrest"? If not, why not?

(b)(5)

**Question:** What steps has DHS taken since Deputy Director Cline's statement to clarify to officers what constitutes a "custodial arrest" such that probable cause is required?

(b)(5)

DRAFT

<b>Question#:</b>	28
<b>Topic:</b>	Probable Cause II
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** In *Ybarra v. Illinois*, 444 U.S. 85 (1979), the Supreme Court explained that "a person's mere propinquity to others independently suspected of criminal activity does not, without more, give rise to probable cause" and instead a "seizure of a person must be supported by probable cause particularized with respect to that person."

Do you acknowledge that a protestor's mere proximity to a crime is not sufficient to establish probable cause and instead that probable cause must be particularized to the individual?

Do you acknowledge that merely being in a crowd where somebody pointed a laser at an officer does not meet the probable cause standard? If not, why not?

(b)(5)

<b>Question#:</b>	29
<b>Topic:</b>	Camouflage Uniforms
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** You testified that DHS is moving to replace the military camouflage uniforms that were used by DHS personnel in Portland. What other changes, if any, does DHS plan to make for future assignments responding to protests?

(b)(5)

DRAFT

<b>Question#:</b>	30
<b>Topic:</b>	Presidential Campaign Use
<b>Hearing:</b>	The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence
<b>Primary:</b>	The Honorable Christopher Coons
<b>Committee:</b>	JUDICIARY (SENATE)

**Question:** The President's campaign has used images from the Portland protests.

Have you spoken with the President, any member of the administration, or any advisor to the President's campaign about how sending federal agents into cities will affect the President's campaign or reelection prospects?

Are you aware of any conversations regarding the impact of sending federal agents into cities on the President's campaign or reelection prospects?

(b)(5)

DRAFT