



A Review of the Federal Bureau of Investigation's  
Handling of Its Confidential  
Intelligence Collection Effort  
January 6, 2021 Electoral



OVERSIGHT AND REVIEW DIVISION

25-011

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## Introduction and Overview

In the aftermath of the riot and breach of the U.S. Capitol on January 6, 2021, among the questions that were raised was how the breach had occurred and what was known by federal law enforcement in advance of January 6 about the possibility of a violent protest that day. On January 15, 2021, the Department of Justice (Department or DOJ) Office of the Inspector General (OIG) announced its review to examine the role and activity of DOJ and its components in preparing for and responding to the events at the U.S. Capitol on January 6, 2021.

Separately, the Federal Bureau of Investigation (FBI) and Department prosecutors immediately began criminally investigating individuals who violated federal law in connection with the riot at the U.S. Capitol on January 6. The Department—through the U.S. Attorney’s Office (USAO) for the District of Columbia (DC)—has reported that it has brought charges against over 1,500 individuals and described the January 6 investigations and prosecutions as having “moved forward at an unprecedented speed and scale.”

In the public announcement of our review of the events at the U.S. Capitol on January 6, 2021, we took note of these ongoing criminal prosecutions, stating that the OIG was “mindful of the sensitive nature of the ongoing criminal investigations and prosecutions related to the events of January 6. Consistent with long-standing OIG practice, in conducting this review, the DOJ OIG will take care to ensure that the review does not interfere with these investigations or prosecutions.” As is customary for the OIG, we coordinated closely with the Department and the DC USAO to ensure that the OIG’s investigative work did not conflict with or compromise any ongoing criminal investigation or prosecution. To that end, and consistent with OIG practice, in spring 2022 the OIG paused aspects of our review.<sup>1</sup>

Once the OIG determined last year, after consultation with federal prosecutors, that our review would no longer potentially interfere with pending prosecutions, we resumed our review. In doing so, we were cognizant of the amount of time that had passed in deference to the ongoing criminal investigations and prosecutions, as well as the number of other non-DOJ OIG oversight reports that have since been publicly released regarding the January 6 events, and we therefore decided to largely focus our inquiry on an issue that has not yet been thoroughly reviewed in oversight conducted by other entities, namely the FBI’s direction and handling of its confidential human sources (CHS) in the lead-up to and on January 6, and whether the FBI exploited its CHSs and other available information to determine the nature of threats in advance of the electoral vote certification on January 6.

In addition to the DOJ OIG’s oversight efforts reflected in this report, several other Inspectors General have conducted reviews of their agency’s actions in connection with the events of January 6:

- ⊕ The U.S. Capitol Police (USCP) OIG immediately began a review to determine if the USCP, which is responsible for policing the Capitol Complex, (1) established adequate measures for ensuring the safety and security of the Capitol Complex as well as Members of Congress, (2) established adequate

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<sup>1</sup> For the same reasons, and consistent with OIG practice, the OIG has paused its ongoing investigation into “whether any former or current DOJ official engaged in an improper attempt to have DOJ seek to alter the outcome of the 2020 Presidential Election,” which was announced in January 2021. See <https://oig.justice.gov/news/departments-justice-office-inspector-general-announces-initiation-investigation>.

internal controls and processes for ensuring compliance with Department policies, and (3) complied with applicable policies and procedures as well as applicable laws and regulations.

- ⊖ The Department of Defense (DoD) OIG initiated a review of the relevant events leading up to January 6, including the DoD's review and approval of the DC government's request for assistance from the DC National Guard; DoD's coordination with DC and federal officials in preparation for January 6; DoD's receipt and approval of the USCP's request for assistance on January 6; and the planning involved for National Guard forces to help secure the Capitol in the immediate aftermath of the riot.
  
- ⊖ The Department of Homeland Security (DHS) OIG began a review to examine the role and activity of DHS and its components in preparing for and responding to the events of January 6, 2021, including DHS's Office of Intelligence & Analysis's responsibility for providing intelligence to law enforcement and DHS law enforcement components' roles, responsibilities, and actions on January 6. The U.S. Secret Service (USSS), which was responsible for protecting then Vice President Mike Pence on January 6 during his time at the U.S. Capitol, is a law enforcement component within DHS. In addition, DHS is responsible for designating an event as a national special security event (NSSE) or as a Special Event Assessment Rating (SEAR) event, which it did not do for the electoral vote certification on January 6.<sup>2</sup> The FBI defines a special event as a "significant international event or a domestic event" formally designated as an NSSE event or a SEAR event, which requires the FBI "to plan, coordinate, develop, or provide FBI resources to mitigate potential threats the special event may cause to national security or threats of significant criminal activity that the FBI is responsible for identifying, preventing, investigating, or disrupting."
  
- ⊖ The Department of Interior (DOI) OIG initiated a review of the actions of the National Park Service (NPS) and the U.S. Park Police (USPP) in preparing for and responding to the events at the Ellipse and the Capitol on January 6 and in information-sharing between the NPS, the USPP, and their law enforcement partners. The demonstration that preceded the violence at the Capitol occurred at the Ellipse, which is part of President's Park—a national park under the control of the NPS. The USPP is a unit of the NPS authorized to conduct law enforcement in the national park system and, pursuant to local statutes, within DC generally.

A further oversight effort was undertaken by the Government Accountability Office (GAO), at the request of Congress, which announced that it would conduct "a comprehensive overview of events leading up to, during, and following the January 6 attack."

The U.S. Senate and the U.S. House of Representatives also conducted oversight regarding the events of January 6. The Senate Committee on Homeland Security and Governmental Affairs (HSGAC) together with the Senate Committee on Rules and Administration (RAC) announced a joint investigation on January 8, 2021, to "examine the intelligence and security failures" that led to the events of January 6. On January 12, 2021, the House of Representatives and Senate leadership were briefed by senior FBI officials about the FBI's posture leading up to January 6, its response and investigation into the events of January 6, and the

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<sup>2</sup> The DHS defines an NSSE as "a significant domestic event which, by virtue of its profile or status, represents a significant target, and therefore warrants additional preparation, planning, and mitigation efforts." DHS has designated the 2025 electoral college certification as an NSSE.

threat picture and operational posture leading into the Inauguration on January 20, 2021. Subsequently, numerous congressional committee hearings addressed how various federal agencies prepared in advance of the January 6 Electoral Certification and how they responded on January 6, with the first one being held by the House of Representatives Appropriations Committee on January 26, 2021. In early March 2021, HSGAC/RAC jointly held an oversight hearing that included testimony from the FBI, *Hearing Examining the January 6 Attack on the U.S. Capitol, Part II*, as well as from non-FBI witnesses.

On June 30, 2021, the House of Representatives established a 13-member Select Committee to investigate the rioting and breaching of the Capitol on January 6, named the “House Select Committee to Investigate the January 6th Attack on the United States Capitol” (House Select Committee). The House Select Committee held 10 televised hearings beginning on June 9, 2022, and concluded the last hearing on December 19, 2022.

## Summary of Findings

The FBI did not have primary responsibility for intelligence collection or event security on January 6. Rather, the USCP, Metropolitan Police Department (MPD), and the USPP were generally responsible for security operations, crowd control, and visitor protection in advance of protests and other demonstrations in and around the Capitol. Our review found that, despite playing only a supporting role, the FBI recognized the potential for violence and took significant and appropriate steps to prepare for this supporting role, including attempting to identify known domestic terrorism subjects who planned to travel to DC for the January 6 Electoral Certification, standing up a national command post as well as a full FBI Washington Field Office (WFO) command post to coordinate the sharing of intelligence between law enforcement agencies on January 6, and preparing additional tactical assets to be ready to be deployed at the request of local authorities. Indeed, after the Capitol was breached by rioters on January 6, the FBI was in a position to deploy tactical assets to help clear the Capitol of protesters and to help USCP secure the perimeter around the Capitol Complex. The FBI told Congress that its posture for January 6 preparations was “extraordinary,” and we found that the FBI effectively carried out its tactical support function on January 6.

While the FBI undertook significant efforts to identify domestic terrorism subjects who planned to travel to the Capital region on January 6 and to prepare to support its law enforcement partners on January 6 if needed, we also determined that the FBI did not take a step that could have helped the FBI and its law enforcement partners with their preparations in advance of January 6. Specifically, the FBI did not canvass its field offices in advance of January 6, 2021, to identify any intelligence, including CHS reporting, about potential threats to the January 6 Electoral Certification. Several FBI officials told the OIG that it is common practice for the FBI to ask field offices to canvass their sources for information—in advance of a large event, such as the Inauguration, the Super Bowl, or other events with significant attendance and to report that information to the requesting field office, which, in this instance, would have been the WFO. FBI Deputy Director Paul Abbate, who was Associate Deputy Director at the time, described the lack of a canvass prior to January 6 as a “basic step that was missed,” and told the OIG that he would have expected a formal canvassing of sources to have occurred, through the issuance of an intelligence collection product, because it would have been the most thorough approach to understanding the threat picture prior to January 6. We determined that, despite some discussions about issuing a formal intelligence collection product specific to both the January 6 Electoral Certification and the January 20 Inauguration, the FBI only issued an intelligence collection product for the Inauguration.

We found no evidence in the materials we reviewed or the testimony we received showing or suggesting that the FBI had undercover employees in the various protest crowds, or at the Capitol, on January 6. We reviewed the documented CHS reporting that the FBI had prior to the riot and breach of the Capitol on January 6, 2021. We determined that three CHSs had been tasked by FBI field offices in the days leading up to the January 6 Electoral Certification, with the required approval of the WFO, to travel to DC for the events of January 6 to report on domestic terrorism subjects who were possibly attending the event. Specifically: One FBI field office tasked a CHS to travel to DC to report on the activities of a predicated domestic terrorism subject who was separately planning to travel to DC for the January 6 Electoral Certification; a second FBI field office tasked a CHS to travel to DC to potentially report on two domestic terrorism (DT) subjects from another FBI field office who were planning to travel to DC for the events of January 6; and a third CHS, who had informed their handling agent that they intended to travel to DC on their own initiative for the events of January 6, was similarly tasked by their field office to potentially report on two DT subjects from other FBI field offices who were planning to travel to DC for the events of January 6. Our review



concluded that none of these three FBI CHSs were authorized to enter the Capitol or a restricted area, or to otherwise break the law on January 6, nor was any CHS directed by the FBI to encourage others to commit illegal acts on January 6.

In addition to these 3 CHSs, we found that 23 other FBI CHSs were in DC on January 6 in connection with the events planned for January 6.<sup>3</sup> None of these FBI CHSs were authorized to enter the Capitol or a restricted area, or to otherwise break the law on January 6, nor was any CHS directed by the FBI to encourage others to commit illegal acts on January 6.

We determined that of the 26 CHSs who were in DC on January 6 in connection with the events of January 6, 4 entered the Capitol during the riot; an additional 13 entered the restricted area around the Capitol, which was a security perimeter established in preparation for the January 6 Electoral Certification; and 9 neither entered a restricted area nor entered the Capitol or otherwise engaged in illegal activity. None of the CHSs who entered the Capitol or a restricted area has been prosecuted to date.<sup>4</sup> The WFO did not know that a total of 26 CHSs would be in DC for the events of January 6 because only 4 field offices had informed the WFO or FBI Headquarters that CHSs under the relevant field office's jurisdiction—5 CHSs in total—would be traveling to DC on January 6.

The OIG determined that many of these 26 CHSs had provided information relevant to the January 6 Electoral Certification before the event and that a few CHSs also provided information about the riot as it occurred. In addition, FBI field offices collected CHS reporting relevant to the January 6 Electoral Certification from CHSs who did not travel to DC for the event. Among the information CHSs provided to their handling agents was the following:

- ☒ a CHS was in contact with leadership for the Oath Keepers<sup>5</sup>;
- ☒ "extremist members of [the] Oath Keepers or other groups may become involved in unplanned violent activity on January 6";
- ☒ the Oath Keepers "contingent headed to DC is 200+ strong;"

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<sup>3</sup> In addition, we determined that 3 CHSs traveled to DC for reasons unrelated to the events of January 6, and that they did not attend any of the January 6 events, enter any restricted areas, or engage in any illegal activity.

<sup>4</sup> After reviewing a draft of this report, the DC USAO stated in its response: "The D.C. U.S. Attorney's Office generally has not charged those individuals whose only crime on January 6, 2021 was to enter the restricted grounds surrounding the Capitol, which has resulted in the Office declining to charge hundreds of individuals; and we have treated the CHSs consistent with this approach." The scope of this review did not include prosecution decisions, including as to the FBI CHSs, made by the DC USAO after the riot on January 6, 2021.

<sup>5</sup> The Oath Keepers are a large but loosely organized collection of individuals, some of whom are associated with militias. Though the Oath Keepers will accept anyone as members, they explicitly focus on recruiting current and former military, law enforcement, and first-responder personnel. The organization's name alludes to the oath sworn by members of the military and the police to defend the Constitution "from all enemies, foreign and domestic."

- ⊕ the travel plans being discussed by the Proud Boys<sup>6</sup>;
- ⊕ an individual purporting to be the leader of a group that had “500 people willing to storm the Capitol Building in Washington, D.C. on January 6th”; and
- ⊕ a CHS indicated they had concerns for the safety of Members of Congress on January 6.

This information was no more specific than, and was consistent with, other sources of information that the FBI and its WFO had received about the potential for violence on January 6, including from other sources of tips the FBI received and from social media. Thus, although the WFO and Domestic Terrorism Operations Section at FBI Headquarters did not direct field offices to canvass their CHSs in advance of January 6, our review of documented CHS reporting in FBI field offices as of January 6 did not identify any potentially critical intelligence related to a possible attack on the Capitol on January 6 that had not been provided to law enforcement stakeholders prior to January 6. Additionally, our review of information in the FBI’s possession as of January 6, in addition to the then-documented CHS reporting, did not identify any potentially critical intelligence that had not been provided to, or was not otherwise known to, law enforcement stakeholders prior to January 6. Nonetheless, as numerous FBI officials told us, CHS information can be used to corroborate other sources of reporting to help the FBI develop as complete an understanding as possible of the threat picture in advance of an event like the January 6 Electoral Certification, and the FBI therefore should have canvassed its field offices for any relevant CHS information in advance of January 6. We make one recommendation to the FBI to address the issues we identified in our review.

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<sup>6</sup> The Proud Boys describes itself as a “pro-Western fraternal organization for men who refuse to apologize for creating the modern world; aka Western Chauvinists.”

## Methodology

The OIG interviewed more than 200 witnesses during this review, several on more than 1 occasion. These interviews included: then FBI Associate Deputy Director and current Deputy Director Paul Abbate; then WFO Assistant Director in Charge Steven D'Antuono, then Acting Deputy Attorney General Richard Donoghue, four FBI Task Force Officers (TFO), and numerous other witnesses from FBI Headquarters, WFO, and other government agencies.<sup>7</sup> Former FBI Deputy Director David Bowdich declined our request to be interviewed, as did former Executive Assistant Director Jeffrey Sallet, former Executive Assistant Director for National Security John Brown, former Executive Assistant Director for Criminal, Cyber, Response, and Services Branch Terry Wade, and former Executive Assistant Director for Intelligence Stephen Laycock. The OIG lacks subpoena authority to compel former Department employees and third-party witnesses to testify.

We also received and reviewed more than 500,000 documents produced to us by the Department, the FBI, and several other DOJ components relating to the January 6 events. The documents included CHS reporting, thousands of tips provided to the FBI, investigative and intelligence records from the FBI case management system, emails, instant messages, and phone records; contemporaneous notes of meetings and telephone calls; chronologies concerning the lead-up of events to January 6; after-action assessments; training materials and policy guides; and preparatory materials for press conferences or congressional testimony as well as talking points. We also obtained and reviewed transcripts of testimony from numerous former and current Department employees who participated as witnesses in hearings conducted during the 117th Congress by a variety of House and Senate Committees with oversight responsibilities over the January 6 events as well as reports published by these committees. Additionally, we obtained and reviewed reports published by the oversight entities referenced earlier: the GAO, DHS OIG, DoD OIG, DOI OIG, and USCP OIG.

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<sup>7</sup> FBI TFOs are non-FBI law enforcement officers detailed from their law enforcement agencies to the FBI, in this case to the FBI-led Joint Terrorism Task Forces (JTTF). One former FBI TFO declined our interview request.

## **Background**

Below we provide background information concerning the events of January 6 as well as the FBI's role in preparing for First Amendment protests and demonstrations in DC.

### **I. Pre-January 6 Election-Related Protests in DC**

Prior to January 6, various groups had held demonstrations in DC and around the country to protest the results of the November 2020 presidential election. Two protests labeled "Million MAGA Marches" took place at Freedom Plaza in DC, one on November 14, which included a march to the U.S. Supreme Court and involved other groups, and one on December 12, the date by which Electoral College results in each of the 50 states were required to be certified (hereinafter "MAGA I" and "MAGA II"). Also on December 12, another group called "Jericho March" held a protest on the National Mall in DC.

There were some incidents of violence associated with both the MAGA I and MAGA II protests. For example, an FBI report from late afternoon of November 14, 2020, noted that 10 arrests had been made associated with the MAGA I protest for a firearms violation, assaults, and disorderly conduct. A later USCP report provided to the FBI stated that 21 arrests had been made and were associated with the MAGA I protest and that some of those arrested had been charged with Assault on a Police Officer and that 4 Metropolitan Police Department (MPD) officers had been injured. The USCP report noted that many incidents of violence that occurred during the MAGA I protest involved conflict between protesters and counter-protesters. Concerning the MAGA II protest, an FBI email described how 30 persons had been arrested and 2 persons affiliated with the Proud Boys had been stabbed and seriously wounded in a street altercation.

### **II. Election-Related Protests on the Morning of January 6 in DC.**

On the morning of January 6, prior to the attack on the Capitol, several protests and demonstrations occurred at both the Ellipse (which is near the White House) and the Capitol Complex, as described in the DOI OIG and the USCP OIG reports. Then President Donald J. Trump spoke at the protest at the Ellipse that morning. As we describe below, his planned appearance at the protest was referenced by those planning to attend the event.

In advance of these events, the NPS issued a permit for a demonstration planned at the Ellipse. MPD had denied a permit for protesters to march on the streets of DC to the Capitol.

### **III. Law Enforcement Jurisdiction Over the Capitol Complex and the Surrounding Area, and Law Enforcement Preparation for Potential Protests on January 6**

The FBI does not have general law enforcement jurisdiction or authority over the Capitol Complex, the National Mall, or the Ellipse. Rather, the USCP has primary law enforcement jurisdiction over the Capitol Complex, while the USPP has primary law enforcement jurisdiction over the National Mall and the Ellipse.

For protests or demonstrations in and around the Capitol Complex and the National Mall, the USCP, the USPP, and the MPD are generally responsible for security operations, crowd control, and visitor protection.<sup>8</sup>

Consistent with its usual practice, in advance of protests and other major events in DC, the MPD coordinates with the DC Homeland Security and Emergency Management Agency (HSEMA) to prepare for crowd control, traffic, and potential violence. In addition, HSEMA oversees the District Fusion Center and the National Capital Region Threat Intelligence Consortium (NTIC), which “works in partnership with fusion centers in DC, Maryland and Virginia, as well as the federal government, to conduct regional analysis and share information on terrorism, crime, and natural hazards.”

MPD also stood up in advance of January 6, as it often does before protests and other major events in DC, its interagency Joint Operations Command Center (JOCC), which is MPD’s “twenty-four (24) hour Operations Center” that is used during major planned and unplanned events “to oversee communication and facilitate collaboration between local and federal law enforcement agencies.” The FBI’s WFO, as it does whenever MPD activates its JOCC for incidents or events that may have a nexus to FBI interests, sent a representative to the JOCC to facilitate the flow of information. A representative from the USAO is often on-call to respond to the JOCC as needed.

Through the JOCC and in the lead-up to events, MPD hosts coordination telephone calls with federal law enforcement agencies to share information about potential threats as well as information about plans of the various agencies. In advance of the MAGA I and MAGA II events as well as the protests planned for January 6, the FBI participated in several coordination calls led by MPD. We discuss the coordination calls related to January 6 in more detail in this report. Other federal agencies participating in these calls included the USCP, the USPP, and the USSS.<sup>9</sup>

#### **IV. Summary of the FBI’s General Roles, Responsibilities, and Applicable Authorities in Preparation for Protests and Demonstrations in DC**

Given its lack of general law enforcement jurisdiction related to protest or demonstration activity, the FBI’s role in advance of planned protests or demonstrations in DC generally falls into three categories: investigating threats of potential federal criminal activity, sharing relevant information with other law enforcement agencies, and providing specialized tactical assets if requested and the requested support is within the FBI’s jurisdiction.

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<sup>8</sup> Had DHS designated the counting of electoral votes by Congress on January 6 as a national special security event (NSSE), which it did not, the USSS would have been in charge of event security and the FBI would have been the lead law enforcement agency on collecting intelligence. The roles and responsibilities of various agencies in connection with NSSEs is the subject of the GAO report, “Capitol Attack: Special Event Designations Could Have Been Requested for January 6, 2021, But Not All DHS Guidance is Clear.”

<sup>9</sup> For a description of the various federal, state, and DC agencies that had jurisdiction concerning the planning for the events on January 6, or a role in the response, see *Capitol Attack: Federal Agencies Identified Some Threats, but Did Not Fully Process and Share Information Prior to January 6, 2021*.

## A. Assess and Investigate Reports of or Information Concerning Potential Criminal Activity or Threats

In advance of protests and demonstrations, the FBI investigates potential threats or criminal activity associated with or planned for such events when such potential threats or criminal activity have a nexus to federal criminal statutes. The FBI's investigative role is governed and restricted by statutes, DOJ guidelines, and FBI policies that attempt to strike a balance between protecting the rights of protesters and uncovering threats associated with or criminal activity with a federal nexus planned at such events and protecting the rights of protesters. The FBI must comply with and uphold, among other things, the Constitution's First Amendment protections of free speech and assembly, Privacy Act restrictions on collection and maintenance of U.S. Persons information, and Executive Order 12333 restrictions on intelligence collection.<sup>10</sup>

The standards that the FBI must follow when conducting investigative and intelligence gathering activities are set forth in the Attorney General's Guidelines for Domestic Operations (AG Guidelines) and implemented through the FBI's Domestic Investigations and Operations Guide (DIOG). The AG Guidelines and the DIOG both require that FBI investigative activity be undertaken for an authorized purpose—that is, "to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence."<sup>11</sup> The DIOG requires that the authorized purpose be "well-founded and well-documented," and states that this threshold requirement is a safeguard intended to ensure that FBI employees respect the constitutional rights of Americans. Under both the AG Guidelines and the DIOG, no investigation may be conducted 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.<sup>12</sup> However, the DIOG also recognizes that

the law does not preclude FBI employees from observing and collecting any of the forms of protected speech and considering its content—as long as those activities are done for a valid law enforcement or national security purpose and are conducted in a manner that does not unduly infringe upon the ability of the speaker to deliver his or her message.<sup>13</sup>

Balancing individual rights and the FBI's legitimate investigative needs requires "a rational relationship between the authorized purpose and the protected speech to be collected such that a reasonable person with knowledge of the circumstances could understand why the information is being collected."<sup>14</sup>

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<sup>10</sup> U.S. Const. amend. I; Privacy Act of 1974, 5 U.S.C. §§ 552a(e)(1) and (7); Exec. Order No. 12333 on U.S. Intelligence Activities, 3 C.F.R. § 200 (1981 Comp).

<sup>11</sup> AG Guidelines § II.B.1; DIOG § 7.2.; *see also* AG Guidelines §§ I.B.1 and II; DIOG §§ 2.2.1 and 6.2.

<sup>12</sup> *See* AG Guidelines § I.C.3; DIOG § 4.1.2.

<sup>13</sup> DIOG § 4.2.1.

<sup>14</sup> DIOG § 4.2.1.

The AG Guidelines authorizes two kinds of investigations—assessments and predicated investigations.<sup>15</sup> The DIOG subdivides predicated investigations into preliminary and full investigations.<sup>16</sup> The AG Guidelines and the DIOG further specify the types of investigative activity that are permitted depending on whether an assessment, a preliminary investigation, or a full investigation is open.<sup>17</sup> The DIOG significantly limits the investigative activities that may be taken prior to opening an assessment and also requires that any such activity be undertaken for an authorized criminal or national security purpose, such as to vet information voluntarily provided to the FBI as a tip.<sup>18</sup> In the online space, employees are limited in pre-assessment to reviewing publicly available information or information already in law enforcement databases.<sup>19</sup>

The FBI receives information about potential criminal activity or threats of violence from many sources, including but not limited to, from the public provided by phone or online (called an “e-tip”) primarily via the National Threat Operations Center (NTOC), from other law enforcement agencies, and from CHSs. When analyzing information for potential criminal activity or threats of violence, FBI employees—whether NTOC employees, field office agents, or supervisors—must determine whether the information is potentially credible and potentially actionable by an FBI field office or, if not within the FBI’s jurisdiction, is potentially actionable by a federal, state, local, tribal, or territorial entity. This analysis of information that is performed at NTOC or in the field relies on FBI employees’ professional judgment in determining a number of things, including potential credibility of the information provided, whether the information provided is specific enough to be considered actionable information indicative of a crime or threat, whether the information is based solely on First Amendment protected activity, whether the FBI has jurisdiction, and whether the information involves an imminent threat to life. As the FBI stated in response to post-January 6 inquiries from Congress about the FBI’s preparation for January 6, “[p]art of the FBI’s work is to separate the aspirational comments and plots from the intentional.”

According to the DIOG, as part of the FBI’s protective functions and mission of preventing criminal and national security threats, the FBI “is not constrained to wait until information is received indicating that a particular event, activity or facility has drawn the attention of would-be perpetrators of crime or terrorism” and instead has “proactive authority” to open assessments for authorized purposes such as detecting or preventing federal crimes or threats to national security.<sup>20</sup> A “Type 1 & 2” assessment is used to proactively or in response to investigative leads seek information about the involvement or role of individuals, groups, or organizations in federal criminal activity.<sup>21</sup> A Type 3 Assessment is used to identify, obtain, and use information about potential federal criminal activities or the vulnerability to such activities or national security threats.<sup>22</sup> When information collected pursuant to a Type 3 assessment begins to focus on a

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<sup>15</sup> See AG Guidelines §§ II.A and II.B.

<sup>16</sup> DIOG § 6.1.

<sup>17</sup> See DIOG § 18; AG Guidelines § II.

<sup>18</sup> DIOG § 5.1.1.

<sup>19</sup> DIOG Appendix L § 3.

<sup>20</sup> DIOG § 5.2.

<sup>21</sup> DIOG § 5.4.1.

<sup>22</sup> *Id.* There are several other kinds of assessments that are not germane to the events we reviewed.

particular individual or group of individuals, the FBI must open a Type 1 & 2 assessment or a preliminary or full investigation on that individual or group to further investigate.

Complaints or tips to the FBI deemed appropriate for further investigatory action may be entered in a system known as “Guardian” and a pre-assessment may be opened. If during the pre-assessment period, information is collected and no further investigation is warranted, the pre-assessment is closed. If further investigative steps are warranted, the pre-assessment is converted to a Type 1 & 2 assessment. Pre-assessments and Type 1 & 2 assessments initiated in response to complaints, tips, or other information received are typically referred to as “Guardians.” Guardians may be “tagged” to a specific subject matter so that the Guardians can be searched and tracked by the tag.

An incident may be investigated as domestic terrorism by the FBI when it involves the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, to further political or social objectives. The Department defines “domestic violent extremists” (DVE) as U.S.-based actors who, without direction or inspiration from a foreign terrorist group or foreign power, seek to further political or social goals through unlawful acts of violence. According to the FBI, many of these violent extremists “are motivated and inspired by a mix of ideological, socio-political, and personal grievances against their targets” and are “radicalized online and look to conduct attacks with easily accessible weapons.”

The Attorney General has directed the FBI to be the lead federal investigative agency for terrorism matters, including domestic terrorism.<sup>23</sup> Department officials have noted that, while “domestic terrorism” is defined in the U.S. Code, there is no federal crime of domestic terrorism.<sup>24</sup> The Department has used an array of criminal statutes to prosecute individuals who engage in domestic terrorism-related activity, including charges associated with firearms, hate crimes, arson, threats, hoaxes, riots, and attacks on federal officers or facilities. Additional restrictions on and requirements concerning domestic terrorism investigations are set forth in the FBI’s Counterterrorism Policy Directive and Policy Guide. For example, although the FBI has various case classifications used to investigate DT matters, certain DT classifications that focus solely on an act of domestic terrorism—whether opened as a preliminary or full investigation—must be reviewed by a field office lawyer, known as either a “Chief Division Counsel” (CDC) or an “Associate Division Counsel” (ADC), and the CDC or ADC must concur that the investigative activity is not based solely on the exercise of First Amendment rights and meets other requirements, such as having an authorized purpose.

## **B. Share Information with Other Law Enforcement Agencies**

As discussed above, in connection with protests and demonstrations in November and December 2020 in DC and in the lead-up to January 6, MPD hosted coordination calls with various law enforcement agencies, including the FBI. In the lead-up to January 6, MPD coordination calls occurred on December 22, December 29, and January 4. The law enforcement agencies shared information acquired based on their legal authorities and from publicly available information, such as estimated crowd sizes, hotel occupancy rates, information about organizing groups and groups planning to attend, information about counterprotests, social media reporting associated with the event suggestive of violence or criminal activity, and whether

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<sup>23</sup> 28 C.F.R. § 0.85(l).

<sup>24</sup> See 18 U.S.C. § 2331(5).



actionable criminal activity associated with the event was identified. The FBI also shared information with and received information from TFOs from several federal, state, and local law enforcement agencies—including MPD, the USCP, the USPP, and the USSS—who participate in the FBI's JTTF and work in FBI facilities. Information was shared through emails, phone calls, and meetings.

In preparation for some events, the FBI may staff what is called a “command post,” either in an FBI field office or in FBI Headquarters. A field office may have a designated area for the command post that is set up to monitor or manage major investigations or special events. Command posts can be staffed by FBI personnel, TFOs, and representatives from multiple agencies, including USAOs, to receive and share information in order to coordinate the FBI's response to a critical incident when appropriate and for other agencies to share and receive intelligence as well. Command posts are typically staffed in shifts around the clock by executives, agents, prosecutors, analysts, and support personnel and include regular briefings about information gathered.

The FBI may also formally share what is called “raw intelligence” with other intelligence community and law enforcement agencies through formal dissemination products, two of which are relevant here: an Intelligence Information Report and a Situational Information Report. We discuss intelligence and formal dissemination reports in section III.G. below.

### **C. Support Other Law Enforcement Agencies with Primary Responsibility for Security and Crowd Control**

The FBI's role with respect to security operations and crowd control at protests and demonstrations in DC is typically limited to providing, if requested, tactical assistance for specialized responses. The FBI may have certain specialty teams, such as Special Agent bomb technicians (SABT) or Special Weapons and Tactics (SWAT) teams, on standby to respond, if requested. For example, FBI specialty teams may be asked to protect FBI facilities, if necessary, during a protest or demonstration.<sup>25</sup>

As then Acting Attorney General Jeffrey Rosen testified before the Select Committee, “[I]t's important to recognize, with regard to protests and demonstrations in the national capital region, it's the police organizations—the MPD, the Park Police, and the Capitol Police—who are responsible for the frontline security and crowd control in their respective jurisdictions. Other Federal agencies, including DOJ and the FBI, DHS, DoD and their components, can and sometimes must play a supportive role.”

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<sup>25</sup> The OIG's report reviewing the Department's response to protest activity in DC in May and June 2020 considers the role and training of personnel in various DOJ components with respect to crowd control. See U.S. Department of Justice (DOJ) Office of the Inspector General (OIG), [Review of the Department of Justice's Response to Protest Activity and Civil Unrest in Washington, D.C. in May and Early June 2020](https://oig.justice.gov/reports/review-department-justices-response-protest-activity-and-civil-unrest-washington-dc-late), Oversight and Review Division Report 24-085 (July 2024), <https://oig.justice.gov/reports/review-department-justices-response-protest-activity-and-civil-unrest-washington-dc-late>. In that report, the OIG found that few Department law enforcement personnel other than BOP personnel have any training in crowd control, and specifically that FBI personnel are not trained in crowd control. *Id.* at 68, 156. Further, the report notes that the FBI SWAT Policy Guide states, “FBI field SWAT teams must not be used for the sole purpose of assisting federal, state, local or tribal L[aw] E[nforcement] organizations in crowd-control operations.” *Id.* at 142, n.172 (citing FBI, SWAT Policy Guide, § 4.5.6 (April 16, 2018)).

## V. Relevant FBI Offices

### A. Washington Field Office

The FBI's Washington Field Office (WFO) is one of the FBI's largest with approximately 1,700 employees and has a geographic area of responsibility that covers DC as well as Northern Virginia. WFO is led by an Assistant Director in Charge (ADIC), who oversees several divisions that are led by Special Agents in Charge (SAC). Stephen D'Antuono was the WFO ADIC at the time of the January 6 Electoral Certification and had become the ADIC a few months before, in mid-October 2020.

WFO's special event and crisis management program was based at the time in WFO's Counterterrorism Division (CTD), and WFO has a cadre of employees who are trained in special events and crisis management. This training includes how to staff command posts, how to quickly organize groups of personnel to respond to the command post or a critical incident when needed, and methods of disseminating information and coordinating with law enforcement partners during a crisis. It does not include training in responding to civil unrest or riot control because, as noted above, the FBI does not engage in crowd control operations and its response to civil unrest is generally limited to providing tactical assistance.

In addition, DT cases are managed by the CTD, and for the time period we reviewed, WFO had one squad of Special Agents assigned to domestic terrorism. This squad was known as the "DT squad." WFO's DT agents are focused in DC or Northern Virginia on conducting investigations of either domestic terrorism-related attacks, should one occur, or allegations that violence is being planned by a domestic terrorism actor. Squads are led by a Supervisory Special Agent (SSA), who reports to an Assistant Special Agent in Charge (ASAC), who reports to an SAC.

WFO also has an Intelligence Division that has squads of intelligence analysts (IA) and staff operational specialists (SOS) who are divided into squads that perform different functions. The SOSs conduct research and analysis at the tactical level and perform duties such as extracting data from databases and generating a product in support of an investigation, such as an analysis of telephone records. The IAs perform one of four analytical functions, two of which are relevant here: threat analysis and collection management. "Threat analysis intelligence analysts" are primarily responsible for assessing and analyzing intelligence concerning "intelligence gaps" and "threats" in a field office's area of responsibility, terms we describe further below. "Collection management intelligence analysts," as we also describe further below, assess "collection requirements" and "collection gaps" and draft collection management products in support of the field office. IA squads are supervised by Supervisory Intelligence Analysts (SIA). At the time of events we reviewed, the SIAs reported to one of two Senior Supervisory Intelligence Analysts (SSIA) who reported to the SAC of the Intelligence Division.

Some IAs are embedded with investigative squads, also known as operational squads. WFO's DT squad had an IA and an SOS embedded with it. They were supervised by an SIA but performed work at the request of agents and the SSA on the squad. IAs who perform "collection" and other analyst functions are not embedded with the operational squads.<sup>26</sup>

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<sup>26</sup> At the time, the Intelligence Division also included several squads of agents, who were supervised by SSAs who reported to two ASACs.

## B. FBI Headquarters

Within FBI Headquarters, the CTD manages the FBI's domestic terrorism program through the Domestic Terrorism Operations Section (DTOS). At the time of the events we reviewed, DTOS was divided into four units that had investigative oversight responsibility for DT cases based on geographic locations of FBI field offices. Units were managed by a Unit Chief who oversaw several SSAs, who are called "program managers." Program managers are the primary conduit for passing requests for information or guidance to the field offices through contact with a field office's DT program coordinator (PCOR)—typically the SSA of the DT squad—about various items, such as case openings and required approvals, and typically receive from a field office information about significant case developments that are in turn passed up to senior management at FBI Headquarters. DTOS is led by a Section Chief and two Assistant Section Chiefs. The CTD is led by an Assistant Director.

The Directorate of Intelligence (DI) is the entity within the FBI that oversees the FBI's intelligence strategies, resources, policies, and guidance. The DI issues, manages the implementation of, and ensures adherence to, the policies and standards for all FBI intelligence functions. The DI is also responsible for developing and managing the FBI's intelligence workforce in collaboration with the Training Division.

## VI. Confidential Human Sources

A tool available to law enforcement for collecting information for investigative and intelligence purposes is confidential human sources (CHS). As we have detailed in prior OIG reports, CHSs can play a crucial role in DOJ law enforcement, including the FBI's efforts to combat crime and protect national security. CHSs provide the FBI with information and insights about the inner workings of criminal, terrorist, and espionage networks that otherwise would be unavailable.

The FBI's Confidential Human Source Policy Guide (CHSPG) and the DIOG are two of the sources of policy guidance and operations procedures concerning CHSs.<sup>27</sup> FBI case agents (handling agents) are responsible for recruiting and operating CHSs, as well as securing approvals for CHS activities and maintaining accurate CHS case files.<sup>28</sup> The handling agent may task the CHS with conducting certain activities or the CHS may voluntarily provide information related to potential criminal activity. Before a CHS may be tasked, the CHS must also be admonished by the handling agent regarding the nature and parameters of the CHS's relationship with the FBI.<sup>29</sup> The CHSPG contains a list of required admonishments, which include that the CHS's assistance to the FBI is voluntary; that the CHS must abide by the admonishments of the FBI and must not take any independent actions on behalf of the U.S. government; and that the CHS must provide truthful information to the FBI.<sup>30</sup> Handling agents are required to document information reported by the CHS, as

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<sup>27</sup> Other sources for authorities and guidance concerning handling of CHSs include the Attorney General's Guidelines for FBI CHSs and the Confidential Human Source Validation Standards Manual.

<sup>28</sup> DIOG § 18.5.5; CHSPG § 1.0.

<sup>29</sup> CHSPG § 5.1.

<sup>30</sup> CHSPG § 5.2.

well as a wide variety of other information, including interactions between the handling agent and the CHS.<sup>31</sup>

## VII. Collecting Intelligence and Intelligence Products

In addition to investigating potential federal criminal activity associated with protests and demonstrations, the FBI may also collect information for authorized intelligence purposes, such as for “analyses of threats to and vulnerabilities of the United States and its interest in areas related to the FBI’s responsibilities, including domestic and international criminal threats and activities.”<sup>32</sup> According to the Office of the Director of National Intelligence, intelligence is “information gathered within or outside the U.S. that involves threats to our nation, its people, property, or interests; development, proliferation, or use of weapons of mass destruction; and any other matter bearing on the U.S. national or homeland security.” The FBI’s Raw Intelligence Reports Manual states that intelligence, in its broadest sense, “is information that individuals or organizations, including senior policymakers, [intelligence community] and law enforcement officials, state and local authorities, internal customers and in certain instances, foreign governments, need to make sound decisions.”

Collection of intelligence is defined in FBI guidance as the active or passive acquisition of information by the FBI through interviews, meetings with CHSs, technical and physical searches, surveillance, or other lawful methods. Policymakers—including the President, the National Security Council, and other major agencies—set intelligence priorities for the entire Intelligence Community, including the FBI.<sup>33</sup> Through the Threat Review and Prioritization Process, the FBI identifies major threats that fall under the FBI’s jurisdiction, groups them into discrete categories known as threat issues, and assigns those threat issues into prioritized bands at both the national and field office level. Since 2019, the U.S. government uses the following five threat categories with respect to the DT threat: racially or ethnically motivated violent extremism (RMVE), anti-government or anti-authority violent extremism (AGAAVE), animal rights or environmental violent extremism, abortion-related violent extremism, and all other domestic terrorism threats. The FBI uses threat priorities and bands to guide the allocation of resources, and collection priorities are designed to address the intelligence needs associated with these identified threats.

In the FBI, intelligence collection can be carried out through several “collection products” that are typically written by IAs in coordination with the field office’s collection management coordinator (CollMC) and appropriate SIA. Collection products identify “intelligence gaps” or “questions that, if answered, would increase knowledge of, or reduce the uncertainty about, a given topic.” Collection products include questions that field offices are asked to direct to relevant “sources,” which can include CHSs, local, state, federal, tribal, territorial, and foreign government agencies, complainants and witnesses, or technical sources. In some instances, collection products request field offices to ask questions of a specific CHS or specific CHSs or other individuals, such as a witness, identified as likely having information concerning the questions posed. The legal authority for the collection product, such as the assessment or predicated investigation to which the collection pertains, must be identified as well as any other relevant investigative

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<sup>31</sup> CHSPG §§ 5.1 and 16.1.7.

<sup>32</sup> See AG Guidelines § IV. See also DIOG § 15.

<sup>33</sup> Intelligence Program Policy Guide (IPPG), Section 4.1.1.

file in which responsive information should be filed. Collection products are required to be created using official templates. We describe several of these collection products below.

### **A. Collection Emphasis Message**

Collection Emphasis Messages, or CEMs, typically originate at FBI Headquarters and identify “an elevated need for information” and address “an emerging threat issue” or “a significant shift in the FBI’s understanding of a current threat issue.” CEMs require a response and usually have a 90-day response time. Notably, CEMs are not permitted for the purpose of collecting information for an event. Witnesses described CEMs as being used infrequently and only in connection with a significant development or critical incident about which the FBI has an intelligence need.

### **B. Collection Priorities Message**

Collection Priorities Messages, or CPMs, are designed for a “broad audience,” such as an entire field office or many field offices, and are issued to address a number of intelligence needs including collection gaps related to an existing threat issue or collection gaps related to an event as it pertains to a threat issue. A field office may issue a nationwide CPM, but it is distributed to the field through the Directorate of Intelligence (DI), not the field office that drafts the CPM. Per FBI policy, CPMs are not “tasking documents,” meaning that field offices are not required to respond. Although field offices are not required to respond to CPMs, the FBI has described CPMs as a way to “canvass all CHSs” in order to “ascertain a threat picture and identify any gaps in current intelligence.” As discussed further below, WFO issued through the DI a CPM to all field offices on December 30, 2020, regarding the January 20, 2021 Inauguration. An example of the “collection gaps” or questions included in the Inauguration CPM was, “What individual threat actors are planning to use otherwise lawful protest activity, gatherings, or assemblies during the U.S. Presidential Inauguration with the intent to commit violence?”

### **C. Request for Collection**

A Request for Collection, or RFC, is a “focused request” based on specific gaps and is tailored to an identified source, such as a CHS. RFCs are considered taskings and require a response. A CHS is identified for an RFC based upon the CHS’s prior reporting history or a determination that the CHS has the appropriate placement and access to answer the questions asked. An RFC must include specific information about the CHS’s ability to address the questions. An IA or SOS may search FBI databases to identify relevant sources or request assistance from FBI Headquarters in identifying CHSs in other field offices or throughout the FBI to whom the questions should be addressed. If multiple sources are identified as being appropriate for an RFC, a field office may issue a “batch RFC.” Witnesses told the OIG that a CPM may also be used to target specific CHSs and said that in an instance in which a large number of CHSs are identified as potentially capable of responding, a CPM could be directed to the specific field offices with an appendix to the CPM identifying the specific CHSs to be queried.

### **D. Time Sensitive Information Need**

A Time Sensitive Information Need, or TSIN, is “operationally-focused” and communicates an “immediate need for information” when there is reporting of a potential threat of violence related to a specific event or activity or when there has been a “high impact event requiring a surge in investigative activity.” A TSIN is issued by FBI Headquarters, but a field office may initiate the TSIN if the threat of violence or high impact event “has a reach beyond their [area of responsibility].” Although the review and approval process for a

TSIN is described as “streamlined” in FBI guidance, any TSIN must be approved by the appropriate FBI lawyer or lawyers and supervisors in the field office as well as by senior officials at FBI Headquarters. Field offices are expected to respond to a TSIN within a matter of hours. An example of a TSIN that was issued in September 2020 was sent by FBI Headquarters on behalf of an FBI field office. The TSIN was issued approximately a week before state officials were scheduled to announce whether criminal charges would be brought against police officers in a police-involved shooting case. The TSIN stated, the FBI “believes protest activity may intensify following any announcement and attract groups or individuals seeking to conduct politically-motivated violence and/or unlawful activity in violation of federal law.” The TSIN directed all field offices to “canvass all logical sources, including CHS, liaison, and technical [sources], regarding potential premeditated acts of violence” and included the following as a question to be asked, “Any indication of attacks/attack planning surrounding the grand jury decision? If so, who?”

### **E. Informal Messaging from FBI Headquarters to Field to Query Sources**

In addition to collection products, field offices sometimes enlist the assistance of FBI Headquarters, in particular DTOS with respect to DT matters, to informally message field offices nationwide, typically via email, to query all logical sources about a particular threat or event. These informal collections are often used when there is an urgent need for intelligence, but, according to FBI intelligence employees we interviewed, should still contain the basic requirements of intelligence collection products including a description of the questions that field offices are asked to direct to relevant “sources,” the legal authority (such as a description of the threat reporting, existing assessment, or predicated investigation) for the intelligence collection, and the proper investigative file or files in which responsive information should be filed. For example, in May 2020, while in the midst of the violence that arose out of some George Floyd protests, DTOS on behalf of the relevant field office sent an email to all PCORs to informally canvass CHSs with respect to “two potential threats that could evolve into criminal activity/threat to human life.” The subject line of the email was “CHS Canvass to Support FBI [relevant field office],” the email described the two threats, and it provided a file number to document any positive intelligence about criminal and/or violent activity.

# **The FBI Issued Several Intelligence Collection Products After the 2020 Presidential Election and Prior to the Inauguration, but Did Not Issue a Collection Product Specific to the January 6 Electoral Certification**

Several witnesses, including Deputy Director Paul Abbate, who was the Associate Deputy Director at the time of January 6, told the OIG that it is common practice to have field offices canvass their sources for information in advance of a special event, such as the Inauguration, the Super Bowl, or other events with significant attendance. Witnesses told the OIG that conducting such a canvass is valuable for large scale events because it informs the FBI's understanding of the threat picture, which then allows the FBI to share relevant information with law enforcement partners and make appropriate operational decisions.<sup>34</sup> The SAC of CTD in WFO (WFO CTD SAC) told the OIG that a CHS canvass can provide information that may assist the FBI in determining whether non-specific threat information from public sources can be corroborated. Abbate told the OIG that he believed that for January 6, he would expect a formal collection product to be issued because it would have provided the most thorough approach for canvassing CHS information across the organization since it is handled through intelligence personnel who are responsible for understanding field offices' entire source base.

One objective of our review was to assess the extent to which the FBI exploited one of its sources of information—its CHS base—in advance of January 6, including whether the FBI sought to collect intelligence from its CHSs across the FBI about potential violence in connection with the January 6 Electoral Certification. We found that the FBI issued a number of post-election collection products, including a Field Office 8 CPM related to the Inauguration, a nationwide CPM related to the Inauguration, and a nationwide CPM concerning potential weapons of mass destruction threats to election-related events. However, despite some discussions about whether to issue an electoral certification CPM prior to January 6, we found that the FBI did not issue a nationwide CPM to gather information from its CHSs about potential violence or planned criminal activity in connection with the January 6 Electoral Certification.

## **I. December 14—Field Office 8 Issues a Regional CPM for the Inauguration and Other Election-Related Events**

In early December 2020, communications began between Field Office 8 and WFO about a CPM that Field Office 8 was planning to issue related to the Inauguration “or other significant election-related events (i.e., court contests, meeting of the electors on 14 December 2020, etc).” Field Office 8's CPM was focused on collecting information about the AGAAVE threat related to the Inauguration and also cited to the following concerns in connection with DVEs and the transition of power generally:

In the context of the 2020 elections, domestic violent extremists (DVE) across the ideological spectrum engaged in threats towards political figures. Some DVEs signaled intent to alter or escalate attack plans depending on election outcomes. Prior DVE plots against government

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<sup>34</sup> As noted, because the FBI is not responsible for crowd control or general policing, operational decisions could include deploying personnel, as we described earlier in this section and below in section V.B., such as SABTs, SWAT, and the Evidence Response Team (ERT).

entities ranged from potentially high-casualty attacks involving firearms or the mailing or intended use of explosives to acts of economic sabotage, including vandalism or destruction of federal properties.

One of the questions Field Office 8 proposed to include in its CPM was: “What [identified state] or [second identified state] based individuals are threatening, advocating, and/or engaging in violent or illegal activity targeting or in reaction to the upcoming 2021 US presidential inauguration, or other election/transition-related events?”

Following WFO’s receipt of an inquiry from Field Office 8 about the proposed CPM, the SIA who oversaw counterterrorism, including the DT squad, in WFO’s Intelligence Division (WFO Intelligence SIA) asked the IA who handled intelligence collection (WFO Collection IA) whether WFO was planning to issue a CPM for the Inauguration. The WFO Collection IA responded that she had not been planning to but would work with the IAs embedded in WFO’s DT squad to draft a CPM “for any threats related to the inauguration.” For the next few days, there were a series of phone calls and emails between WFO and Field Office 8 as well as emails between WFO and the DI to clarify whether Field Office 8’s CPM would be issued nationally or was only for its area of responsibility (AOR). WFO Intelligence Division personnel were focused on ensuring that Field Office 8 issued its CPM only within its AOR, not nationwide, and worked with the DI and FBI Field Office 8 to effectuate that because WFO personnel were concerned that a nationwide CPM issued by Field Office 8 could cause confusion in the field given the reference to the Inauguration.

Field Office 8 issued its CPM only within its AOR on December 14, 2020. The CPM related to the Inauguration “or other significant election-related events (i.e. court contests, meeting of the electors on 14 December 2020, etc)” and included a case file number that was WFO’s Inauguration-specific Type 3 assessment file.

## **II. December 21-30—WFO Issues a Nationwide Collection Priorities Message for the January 20 Inauguration**

As of December 21, the WFO Collection IA had drafted an Inauguration CPM for WFO to disseminate nationwide and was coordinating with various Intelligence Division personnel and WFO’s CDC, as well as intelligence personnel in various FBI Headquarters divisions, including CTD, about the content of the CPM.

On December 28, while WFO was still working to finalize its Inauguration CPM, the WFO Collection IA was notified in an email from the DI that the FBI’s Weapons of Mass Destruction Directorate (WMDD) was working on its own collection product related to the Inauguration and was seeking input and coordination from other offices. The DI employee forwarded WMDD’s draft collection product and expressed concern about having “multiple CPMs going out on the same topic.” WMDD’s draft collection product stated that its collection was for “threats or incidents pertaining to country-wide political events related to the shift of political power to include, election run-offs, events contesting election results, inauguration, and threats to elected officials.” One of the questions included in the WMDD draft was the following: “Please describe, in detail, [weapons of mass destruction (WMD)] threats, suspicious activities, or politically motivated incidents



made by individuals or groups in your AOR associated with the inauguration, 2020 election results, elected officials, or election recounting and election run-offs.”<sup>35</sup>

Later in the evening on December 28, the WFO Collection IA notified the DI employee and others that she had coordinated with WMDD and that she would “be rolling their questions into our product to avoid mass confusion.” She explained that WFO’s CPM would cover “all threats to the inauguration, to include CT, Criminal, and WMD.” An example of a WMD-related question that the WFO Collection IA included in the Inauguration CPM was: “Are there any threat actors involved in the production, acquisition, transportation, or use of biological weapons seeking to use them during the US Presidential Inauguration?” As a result of these conversations between WFO and WMDD, and WFO including the WMDD Inauguration-related questions into WFO’s CPM, WMDD decided to issue a nationwide CPM that concerned election-related WMDD threats leading up to, but not including, the Inauguration.

On December 30, at 4:21 p.m., WFO’s Inauguration CPM was issued to all FBI offices nationwide. The CPM included the following question: “What individual threat actors are planning to use otherwise lawful protest activity, gatherings, or assemblies during the US Presidential Inauguration with the intent to commit violence?” The CPM also included 11 other questions about threat actors or groups’ plans to target the Inauguration. WMDD’s CPM, which was not issued until January 12, 2021, ultimately sought “intelligence in support of a national initiative to identify politically motivated threats and incidents involving chemical, biological, radiological, nuclear, and explosive (CBRNE) pertaining to nation-wide political events related to the change in political power occurring prior to the 2021 Presidential Inauguration.”

### **III. December 22-30—WFO Participates in MPD Coordination Calls and Discusses Possible Collection Product Focused on January 6 Electoral Certification**

On December 22 and 29, 2020, the MPD held two of the three coordination calls that it hosted in advance of the electoral vote certification on January 6. Discussions within WFO following those calls included the possibility of issuing a collection product focused specifically on the January 6 Electoral Certification.

The WFO Intelligence SIA attended the first MPD coordination call on December 22 for WFO. Later that same day, she sent an email to her supervisor, the SSIA who oversaw counterterrorism, including the DT squad, in WFO’s Intelligence Division (WFO Intelligence SSIA 1), summarizing the coordination call, which included the following information: MPD reported that “[the President of the United States (POTUS)] tweeted a call on Saturday for supporters to protest on January 6 regarding Election Fraud”; that the same organizer of the MAGA I and MAGA II events was planning to organize events again; that Proud Boys would be in attendance but that “numbers are expected to lower;” that hotels had reported a “50% to 100% increase in reservations;” and that “ANTIFA reported that they will stand ready to protect the city” but that

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<sup>35</sup> Weapons of mass destruction concern chemical, biological, radiological, and nuclear weapons, as well as explosives, which is abbreviated as “CBRNE.”

"no plans [had] been posted at this time."<sup>36</sup> The summary also noted that CHS reporting available to WFO as of December 22 revealed no identified threats or "known groups" traveling to WFO's area of responsibility.

On December 28, WFO's DT squad had requested a national threat tag labeled "CERTUNREST2021" be created in the Guardian system in order to track, organize, and coordinate Guardians related to the electoral certification on January 6. That same day, once the tag was created, WFO began tracking the tagged Guardians and reporting the information to upper management. We discuss those Guardian matters later in this report.

The following day, on December 29, the MPD hosted its second coordination call regarding January 6. WFO Intelligence SSIA 1 sent an email the next day, December 30, summarizing the call to D'Antuono and copying the WFO's CTD SAC, Intelligence Division SAC (WFO Intelligence SAC), Criminal Investigative Division SAC (CID SAC), and the ASAC of CTD (WFO CTD ASAC). WFO Intelligence SSIA 1's email stated that during the call it was noted that there had been an increase in hotel reservations at several local hotels around the January 6 time period, there was an anticipated increase in usage at certain subway stations, the names of groups that planned to attend were discussed, and that several permits had been issued for different organizations for events at Freedom Plaza and the Capitol. The email also stated that attendance was expected to be large because President Trump had "discussed and promoted it" but that it "[did] not appear at this time that [the President] or the family was invited to these events or will attend." The email also provided "social media highlights" and stated that there was "a lot of talk about wanting to go but not a lot of talk about actually going" and "nothing seen on social media to corroborate any massed armed protests discussion." WFO Intelligence SSIA 1's email stated that, "as with events previously," referencing MAGA I and MAGA II, WFO Intelligence Division personnel would be in the office on January 6 with TFOs "monitoring the situation" and that two employees would be embedded in MPD's JOCC.

Also on December 30, the WFO Intelligence SIA forwarded to WFO Intelligence SSIA 1, the WFO CTD ASAC, the SSA who oversaw the DT squad in WFO's CTD (WFO CTD SSA), and others, an email written by the IA embedded in the DT squad that summarized the same information from the December 29 MPD coordination call. The IA's email also included a summary of three Guardians that had been identified as associated with the January 6 Electoral Certification and a statement that "various offices" had informed WFO, which we discuss below, that "individuals from other AORs will be traveling to Washington DC for 6 January 2021." Each of the three Guardians summarized in the email pertained to information indicating possible violence on January 6. Specifically, the Guardians involved a social media user calling for people to show up on January 6 and use weapons to stop the steal of the election, an individual reporting that their granddaughter will be going to DC with a caravan to "stir up trouble," and an online user who indicated an intent to travel to DC on January 6 and stated "I plan on killing," among other comments.

Questions raised in response to WFO Intelligence SSIA 1's email on December 30 summarizing the second MPD coordination call led to discussions within WFO about the possible issuance of a collection product focused on the January 6 Electoral Certification. Late in the afternoon on December 30, D'Antuono replied to the recipients of WFO Intelligence SSIA 1's email by asking whether there was any indication that subjects

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<sup>36</sup> According to the FBI, ANTIFA is a "moniker for anti-fascist." The FBI has described ANTIFA as "loose collections of individuals who oppose right-wing movements" that are "sometimes organized into autonomous, local groups." The FBI notes that some anarchist violent extremists self-identify as "ANTIFA."

of DT investigations across the FBI were planning to come to DC to attend the protests on January 6. The WFO Intelligence SAC forwarded that email chain to the SSIA who oversaw collection management in the Intelligence Division (WFO Intelligence SSIA 2), and asked, "Wouldn't this request be a CEM?" which was a reference to the formal collection product, Collection Emphasis Message. WFO Intelligence SSIA 2's response to the SAC's inquiry did not address the SAC's CEM question but instead advised the SAC that WFO's CPM for the Inauguration would be going out "soon" (it went out that same day) and that WFO Intelligence SSIA 2 would discuss the matter with her subordinate, the CollMC.

A few minutes after receiving WFO Intelligence SSIA 2's email, the WFO Intelligence SAC responded to the recipients of D'Antuono's email by advising them that the Inauguration CPM would soon be going out and that "I'll have the collection team prepare something for [January] 6th. This would canvass all [intelligence] components in the field for the information."<sup>37</sup>

Also on December 30, WFO Intelligence SSIA 2 forwarded the email chain to the CollMC and asked for his input about a potential collection product for January 6. The CollMC, who is an SIA, provided WFO Intelligence SSIA 2 with his initial thoughts within a few minutes, stating that WMDD was planning to put out a nationwide CPM that was "focused much more on election related issues," and he thought that WMDD's CPM would generate reporting to WFO on January 6 that WFO could use to issue RFCs to appropriate sources for more specific information.

The CollMC forwarded this email chain to the WFO Collection IA who had drafted the Inauguration CPM and who had discussions with the WMDD about including WMD-focused questions in the Inauguration CPM. The CollMC asked the Collection IA whether WFO should send out a CPM for January 6 protests but also suggested to the Collection IA that perhaps it made more sense for WMDD to issue its CPM and for WFO to subsequently issue RFCs based on any January 6 reporting that WMDD's CPM generated.

A few minutes later, also on December 30, the CollMC emailed WFO Intelligence SSIA 2 again and stated that he had spoken to the Collection IA and that their recommendation was that no January 6 Electoral Certification collection product was needed. According to the CollMC's email to WFO Intelligence SSIA 2 and the Collection IA's testimony to the OIG, the Collection IA had spoken to intelligence personnel embedded on the DT squad, and the Collection IA understood that the DT squad had sufficient mechanisms in place to monitor, and were monitoring, FBI databases and case files for threat reporting about potential protests on January 6. Based on this information and the Collection IA's statement that she had asked the relevant WFO agents to canvass their sources in the area for threat reporting, the CollMC wrote in the email to WFO Intelligence SSIA 2 that he and the Collection IA believed that the DT squad had "it well in hand" and "we have it covered." The CollMC also noted in the email that MPD planned to have a command post for January 6 and that the Collection IA would be working in MPD's command post. His email further stated that if WMDD "want[ed] to include a question in their CPM about 6 January that can only help." The Collection IA told the OIG that she and the CollMC discussed the Inauguration CPM and the planned WMDD CPM and agreed that those collection products covered events leading up to the Inauguration, including the January 6 Electoral certification, and a request specific to January 6 was not needed at that time.

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<sup>37</sup> In her email, the WFO Intelligence SAC mistakenly referred to the Inauguration CPM as a CEM.

A few minutes after receiving the CollMC's email recommending against a January 6 CPM, WFO Intelligence SSIA 2 responded to the WFO Intelligence SAC's earlier email that day asking about a CEM and stated that WFO Intelligence SSIA 2 understood that the operational squads were monitoring for threat reporting related to January 6 and that the Collection IA would be supporting the command post for January 6. The email continued: "Based on this information, we do not recommend an additional CPM for the 6 January 2021 events." WFO Intelligence SSIA 2 also told the SAC in the email that WMDD would be disseminating its own CPM, but that WFO Intelligence SSIA 2 was not sure about the timeline for issuance. However, WFO Intelligence SSIA 2 stated that if WMDD disseminated its CPM before January 6, then WFO could suggest a question specific to January 6. The WFO Intelligence SAC responded, "Copy."

WFO Intelligence SSIA 2 also sent the WFO Intelligence SAC the Inauguration CPM that had been issued earlier that day (December 30) and told her that the DI had disseminated it. WFO Intelligence SSIA 2 noted, "This CPM focuses on travel of violent threat actors to our AOR." The WFO Intelligence SAC forwarded the Inauguration CPM to the WFO CTD SAC and had additional communications with him, which we discuss in the next section.

We did not find evidence of any further communications within the Intelligence Division about a collection product concerning January 6, including any discussions with WMDD about adding a question to its CPM related to the electoral certification. As noted previously, WMDD ultimately did not issue its CPM until January 12. As discussed in the section below, WFO's CTD had similar discussions about whether a collection product related to January 6 should be issued, but did not issue or request such a product, and focused primarily on DT case subjects traveling to DC for the January 6 Electoral Certification.

#### **IV. December 17-30—DTOS Emails FBI Field Offices Regarding their Reporting to WFO about Electoral Certification and Inauguration Threats But Does Not Request a Canvass Related to the January 6 Electoral Certification**

According to witnesses, by mid-December, as a result of the MAGA I and MAGA II protests and in anticipation of the upcoming Inauguration, WFO had begun to receive voluminous reporting from field offices around the country. WFO CTD SSA, who served as the DT squad supervisor, told us that his squad found much of the reporting to be information that they could not take action on for various reasons, such as the lack of an identified threat or criminal activity, the lack of any specifics about a time or place, or the lack of information about what action the field office had taken to further develop the lead. Without such specifics, the DT squad was spending time doing what he believed the field offices should have been doing before sending the information to WFO—determining whether the reported information was actionable. The WFO CTD SSA discussed this issue with the SSA in DTOS at FBI headquarters who served as WFO's Program Manager (DTOS Program Manager). The DTOS Program Manager consulted with his supervisor, DTOS Unit Chief 1 (then acting). With DTOS Unit Chief 1's approval, the DTOS Program Manager decided to send an email to the field through the program managers, who would relay it to the PCORs.

According to the WFO CTD SSA, what he wanted the DTOS email to get across to the field was: "[P]lease tell people if you're going to tell us 'I saw a post that there's going to be a rally in Washington, D.C.,' that's not helpful to us because we know there's a rally in Washington, D.C." The point of the email, according to the WFO CTD SSA, would be to ask the field offices—if the field office believed it had acquired information about a threat pertaining to DC—to answer specific questions about the potential threat reporting before sending the information to WFO.

On December 17, 2020, the DTOS Program Manager sent an email to the WFO CTD SSA with a subject line of "Improving threat reporting" and informing him that he had approval to message the field about Inauguration threat reporting stating, "Got some receptivity not just for inauguration but for helping to discourage half-baked [forwards] in general." The DTOS Program Manager suggested some potential questions to include in the email and asked the WFO CTD SSA to send whatever other suggestions he thought should be included in the email.

A week later on December 23, the WFO CTD SSA responded to the DTOS Program Manager's email and provided draft language for the DTOS message that included a description of the problem, stating that WFO had "been on the receiving end of a lot of reporting nationwide;" that "[o]ften lacking" from the reporting was details on the criminal activity and what steps the reporting office was taking; and that it was as if "the dump truck backs up on [WFO] with reporting." The WFO CTD SSA then described for inclusion in the email to the field what he called "basic asks" that he thought were "common sense," including:

- ☒ If violence is alleged in the reporting is there any specific information (type of violence, date, time location)
- ☒ If there are no specifics, why are we stating violence is an issue
- ☒ What action is the reporting office taking to identify the individual(s) making the threats to mitigate them before they occur [such as opening a case]
- ☒ Where is the subject currently located, and if not known what is being done to determine the location
- ☒ Are there any plans of travel to another AOR, and if so what are the details
- ☒ Lastly, while there is a better way to tactfully say it, if your reporting says or does not identify any violence/threat/criminal activity is identified then why is it being reported

The next communication about the proposed email came on December 29, when a WFO Special Agent (who was slated to be Acting SSA for the WFO CTD SSA the following week) sent an email to the DTOS Program Manager stating that he "wanted to check to make sure an all-PCOR canvass has gone out for the [January] 6th event." The Special Agent told the OIG that by "PCOR canvass," he was referring to the email that he was aware the DTOS Program Manager was planning to send to the field PCORs. The Special Agent told the OIG that when he worked as a program manager in DTOS over midwestern states, he recalled assisting in conducting canvasses of the field in connection with certain events that were "fairly broad" and would ask for information about subjects traveling, CHSs traveling, and whether anyone was expressing an interest in violence, but that January 6 was "such a national level event that...narrowing of the scope was necessary." According to the Special Agent, WFO intended the communication to be "very explicit" about "what we're truly looking for and what we can truly work with." He explained that every agent who works DT matters has it "drilled into his or her head" what is prosecutable when it comes to threats and learns that even "vile"

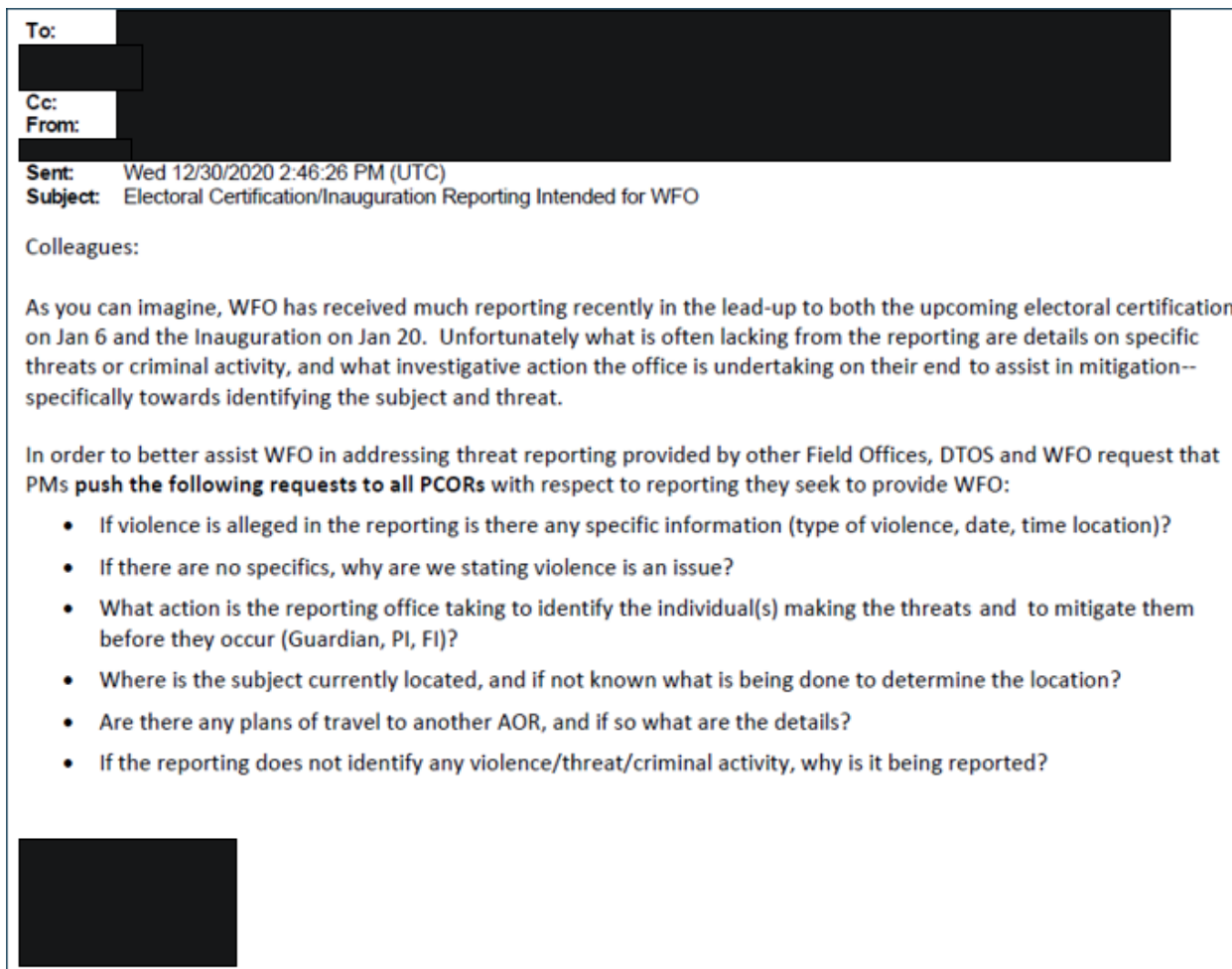
speech is often protected by the First Amendment. He said that there had been “so much chatter online” and that the DT SSA was “narrowing this down appropriately.”<sup>38</sup>

Early the next the morning on December 30, the DTOS Program Manager responded to the WFO CTD SSA with a draft of what he proposed to send to the field that included a description of the problem as well as the DT SSA’s “asks” with his language edited. The DTOS Program Manager’s draft did not request an all-PCOR canvass as referenced in the Special Agent’s email to the DTOS Program Manager the prior day. A few minutes later, the WFO CTD SSA responded to the DTOS Program Manager that he agreed with the language. After getting the WFO CTD SSA’s concurrence, the DTOS Program Manager communicated with DTOS Unit Chief 1 about distributing the email through the program managers in each unit. In addition to providing DTOS Unit Chief 1 with the language of the email, the DTOS Program Manager informed her that the DTOS Acting Section Chief was aware that the message was being distributed through DTOS. DTOS Unit Chief 1 responded, “Hopefully this helps limit the unactionable reporting WFO gets!”

Before 10:00 a.m. on December 30, the DTOS Program Manager sent the email to all program managers in the four units in DTOS and copied the DTOS Acting Section Chief. The email asked the program managers to distribute the email to Field Office PCORs. Although the initial communications between the WFO CTD SSA and the DTOS Program Manager were about Inauguration reporting, by the time the email went out it concerned both the Inauguration and January 6 Electoral Certification. The email, with the subject line “Electoral Certification/Inauguration Reporting Intended for WFO,” read:

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<sup>38</sup> As previously discussed, the FBI receives tips and complaints from the public, and FBI personnel who are assigned to assess tips or leads must determine whether that information is actionable, which requires a number of considerations and judgments, including whether the tip or complaint information alleges that a potential federal crime has occurred or is being planned. When the tip or complaint contains alleged threatening statements, the assessment of whether action is warranted has additional considerations because of the potential First Amendment implications. If the complaint contains threatening language but does not otherwise contain information alleging that a potential federal crime has occurred or is being planned, the reviewer must assess whether the threatening language in the complaint itself constitutes a crime that is known as a “true threat” under applicable federal law and policy as set forth in the DIOG. *See* DIOG § 4.2.1. FBI policy and training documents make clear that “heated rhetoric or offensive provocation that could conceivably lead to a violent response in the future is usually protected.” Even assuming a reviewer believes threatening information may rise to the level of a true threat or some other federal criminal violation, the reviewer must also determine whether, particularly if the threatening language was posted online, it is possible to identify a person responsible, and, if some kind of legal process would be needed from a USAO to obtain additional information about the person alleged to have made the statements.



We did not seek to determine whether every other DTOS program manager sent the email, as requested, to every Field Office PCOR. During our review, however, we identified emails from program managers forwarding the email to their respective Field Office PCORs. Additionally, we saw evidence that at least some field offices responded by providing information to DTOS, and one responder who provided information wrote, "Feel free to forward this to WFO if you deem it relevant to their canvass." However, some witnesses told the OIG that they did not view the email as "a source tasking request" or said that whether they would have acted on it would have depended on how their supervisor interpreted it.

The DTOS Program Manager told the OIG that, other than these communications with the WFO CTD SSA about improving reporting from the field and, as we discuss below, subsequent communications about collecting information about DT case subjects traveling to DC in advance of the January 6 Electoral Certification, he did not recall any other discussions with WFO about conducting a canvass of the field in connection with the January 6 Electoral Certification. The WFO CTD SSA told the OIG that his request that DTOS sent out on behalf of WFO "was not to positively have everybody go ask their sources about [January 6]," although the WFO CTD SSA said that he directed his WFO DT squad agents to "[p]lease remember to be querying your sources."

The DTOS Program Manager forwarded his December 30 email to the WFO CTD SSA and the Special Agent who became Acting SSA on January 4. We did not find evidence that the WFO CTD ASAC, the WFO CTD SAC, or D'Antuono were forwarded this email or that they ever saw it. As discussed further below, the WFO CTD ASAC and the WFO CTD SAC were among the witnesses who told the OIG that they had understood that DTOS had asked field offices to canvass their CHSs in connection with January 6. D'Antuono told the OIG that asking DTOS to have the field canvass its sources was "something [WFO] would have normally done" but he was "not definitively sure if that actually happened."

## V. December 30 and 31—WFO Decides to Focus on DT Subjects Traveling to DC for the January 6 Electoral Certification

As described above, on December 30, D'Antuono asked recipients of WFO Intelligence SSIA 1's email summarizing the prior day's MPD coordination call about January 6, "Is there any indication of 'travelers' coming in from other Field Offices to attend?" He noted that "this is something the Deputy [Director] usually asks me." WFO witnesses explained that, because DC is the nation's capital and protests or demonstrations associated with socio-political issues in DC often draw people from all over the country, there is more of a DT threat to the area from people coming from outside the DC area than from those living in the area. We also were told that subjects of DT investigations who intend to come to DC for an event are a potential source of violence or criminal activity.<sup>39</sup>

According to FBI witnesses, WFO expects other field offices to ascertain whether their DT subjects plan to travel to DC for such events, and to have "coverage" for the travel, such as a plan for CHSs to travel with subjects, or a plan to mitigate or "disrupt" the travel, perhaps by interviewing the subjects. WFO witnesses told us that WFO also expects to be made aware of the travel and disruption plans by the other field office.

In response to D'Antuono's email, the WFO CTD SAC wrote on December 30 that he had spoken to the WFO CTD ASAC on "the topic of known subject travelers" and learned that the WFO CTD ASAC had a call scheduled the next morning with DTOS and would "urge DTOS to message all DT ASACs across the FBI to ascertain their subjects' intent to travel to DC" with respect to both January 6 and the Inauguration. In addition, the WFO CTD SAC wrote, the WFO CTD ASAC would have DTOS communicate to the field about "possible disruption ahead of travel" and to provide information about subjects traveling to WFO for awareness.

A couple of hours later, the WFO Intelligence SAC, after receiving the WFO Intelligence SSIA 2's recommendation that same day against issuing a collection product for the January 6 Electoral Certification, forwarded the email chain with the SSIA's recommendation to the WFO CTD SAC, including the team's further recommendation about potentially including a January 6-specific question in WMDD's CPM if WMDD

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<sup>39</sup> The then Principal Assistant U.S. Attorney for the DC USAO told the OIG that in advance of protests, "often the way the FBI will look at [intelligence] is in terms of, they're looking for predicated subjects at another field office that's planning to travel." According to the Principal Assistant U.S. Attorney, when he would learn from WFO about subjects planning to travel, he would ensure that an Assistant U.S. Attorney was communicating in real time with WFO to ensure that the FBI had what it needed from the prosecutor such as a search warrant or some other kind of legal process.



issued one prior to January 6. The WFO Intelligence SAC stated in her email to the WFO CTD SAC that she wanted to make sure that her team was supporting the CT Division as needed.

The WFO CTD SAC responded that he was not sure that a WMDD-focused CPM would capture reporting about DT subjects or threat actors in other places traveling to DC, but that he would have the WFO CTD ASAC discuss the matter further with WFO Intelligence SSIA 2. A short time later, the WFO Intelligence SAC forwarded the WFO CTD SAC the Inauguration CPM, and the WFO CTD SAC responded that he had written his previous email before reading the Inauguration CPM and he suggested that the Inauguration CPM might be sufficient for obtaining threat information about January 6.

Shortly thereafter, the WFO CTD SAC forwarded the Inauguration CPM to the WFO CTD ASAC and informed the WFO CTD ASAC that he had suggested to the WFO Intelligence SAC that CTD “may want something similar related to [January] 6” but that he would “defer to [the WFO CTD ASAC] and [the WFO CTD SSA] to work with [WFO Intelligence SSIA 2] if that would be helpful.” The WFO CTD ASAC responded that he would “get with [the WFO CTD SSA] and [the WFO Intelligence SIA] to see if we can get one out for the 6th.” He added, “I believe we’ve already sent out a data call via emails through DTOS but I will confirm.” The WFO CTD SAC responded, “10-4. I figured so.”

We did not find evidence of any further consideration within CTD of producing an intelligence collection product specific to January 6 or other efforts to obtain information from sources generally about threat information related to January 6. However, CTD remained concerned about DT case subjects traveling to DC for January 6, which we describe in section IV.E. below.

Emails show that the next morning, on December 31, 2020, the WFO CTD ASAC talked to the DTOS Acting Section Chief, as the WFO CTD SAC had indicated was planned when he responded to D’Antuono’s email described above. In an email that day from the DTOS Acting Section Chief to the WFO CTD ASAC, the DTOS Acting Section Chief referenced having had a conversation with the WFO CTD ASAC about a particular DT subject who had made statements suggesting violence against USSS protectees.<sup>40</sup> The DTOS Acting Section Chief attached information about the case subject to his email.

We asked the WFO CTD ASAC if he and the DTOS Acting Section Chief discussed more than just the one DT subject, and the WFO CTD ASAC told the OIG, “I think there were a couple different calls” and that he remembered one that was with DTOS and another section in CTD and WFO, and that “his ask during that particular call” was, “Who else is out there, who else is planning on traveling, and what do we know about them?” The WFO CTD ASAC also stated that, as part of this call, he asked DTOS to put together a list for WFO “so we know who is traveling” and to find out from the field office whether there was a plan to have “coverage” on the subject in DC. He said that this call took place between December 31 and January 5.<sup>41</sup>

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<sup>40</sup> Field Office 18 had a case open on this DT subject. Emails show that Field Office 18 coordinated with WFO and DTOS about this subject who also expressed plans to travel to DC. Field Office 18 had a CHS reporting about this subject this CHS was tasked to travel with the Field Office 18 DT subject in connection with the January 6 Electoral Certification. The CHS was not authorized to engage in any illegal activity or tasked with taking part in any activity other than monitoring the activities of the DT subject.

<sup>41</sup> Emails we reviewed confirm that the CTD ASAC had other calls with DTOS and another CTD section during this period.

When asked by the OIG whether he had any conversations with DTOS about DTOS messaging the field about CHSs providing any information about January 6 aside from travelers, the WFO CTD ASAC responded:

So, that was a part of that conversation, that same conversation of, okay, you're telling me about these specific individuals. What else is out there across the Bureau that we need to know about and you know, because we're, we don't have the capability of calling all 56 field offices, you know, so we were asking DTOS, or I was asking DTOS specifically to canvass, you know, all of their, all of their program managers to see if there is anything that, you know, can be passed to us, in terms of travelers, you know, period, coming from anywhere.

When we asked the WFO CTD ASAC, "setting aside travelers," whether he had any conversations with DTOS about DTOS messaging the field offices to have them ask their CHSs to provide any information that might be out there about January 6, he responded, "I don't remember how it was phrased, but, you know, we were asking for any intel, whether it was travelers or not."

By the next day, December 31, WFO had decided to have some Intelligence Division personnel and TFOs in a command post at WFO beginning on the morning of January 6 and to have an Intelligence Division employee embedded in MPD's Joint Operations Command Center that was also scheduled to be open for the event. The WFO Intelligence SIA emailed a staffing schedule to the relevant personnel, supervisors, and managers. She also informed the group that the DT squad's embedded IA would provide "an updated Intel report" on January 4, after the next scheduled MPD coordination call, and that the update would "include travelers to our AOR, Guardians, pertinent CHS reporting, size of groups, opposing groups, and schedules."

# The FBI's Preparations for and Actions on January 6 and Focus on Identifying Known Domestic Terrorism Subjects Traveling to DC

## I. January 2 and 3—Initial Discussions about an FBI Command Post and Summary of Threat Picture Provided to Bowdich in Advance of DoD Meeting

On Saturday, January 2, D'Antuono emailed the WFO CTD SAC and the WFO Intelligence SAC about requests by then FBI Deputy Director Bowdich regarding January 6 preparations. D'Antuono informed the SACs that, according to Bowdich, the Acting Secretary of Defense had called for a "Principals Meeting" on Sunday afternoon, January 3, about preparation for the January 6 Electoral Certification, and that Bowdich needed an update on FBI intelligence concerning January 6. According to D'Antuono's email, Bowdich suggested that WFO "consider standing up a mini command post," and D'Antuono wrote that he thought that perhaps WFO could staff it with some personnel from the Intelligence Division and TFOs.<sup>42</sup> With respect to providing an update to Bowdich, D'Antuono listed the following items that he thought they should provide:

- 1) any updated estimates on crowd sizes, permits and locations of the event(s)
- 2) anything additional to the hotel information...,
- 3) are we tracking any travelers from other field offices coming into DC,
- 4) any know [sic] credible threats,
- 5) how is MPD, Park, USSS going to be postured...
- 6) anything I haven't asked for in the first 5 bullets that you think would be good to send over to him for his reference.

In his reply to D'Antuono's email, the WFO CTD SAC stated that he thought CTD was already planning to lightly staff a WFO command post, as they had for MAGA I and MAGA II, and that he would confirm it. He further wrote that, if the WFO Intelligence SAC agreed, he would have the WFO CTD ASAC and WFO Intelligence SSIA 1 work "to put these due-outs together." The WFO CTD SAC also asked if D'Antuono knew what the focus was of the Acting Secretary of Defense for the meeting.

D'Antuono responded to the WFO CTD SAC's email that it seemed to him that senior leaders were concerned because "no one knows what is going to happen," but he also noted that there was "no centralized role" for DOD or any particular federal agency for such an event. D'Antuono told the OIG that jurisdiction in DC is divided among various agencies, including MPD, USCP, USPP, and USSS; that MPD generally "own[s] the streets" and "tak[es] the lead on [protests];" that the USPP generally "controls the [national] parks;" and that the USCP generally "controls the Capitol for security purposes." He emphasized

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<sup>42</sup> According to witness testimony and the documents we reviewed, "mini command post" is an informal term used to describe instances in which WFO TFOs monitor developments from their desks or only a limited number of WFO TFOs and intelligence staff monitor developments from the area within WFO headquarters designated and equipped for command posts while specialty teams (SWAT, SABTs, ERT, etc.) and others are on standby ready to respond and come in as needed. A full command post is a formal, structured command post in which everyone is physically located together in the designated command post area.

that the FBI is “not in the security business” but plays a support role.<sup>43</sup> The WFO CTD SAC, the WFO Intelligence SAC, and other witnesses also made similar statements. The WFO CTD SAC told the OIG that the FBI is not intended to be the “point agency” and was “very much in a support” role and would react to any request for support.

The WFO CTD SAC forwarded D’Antuono’s email to the WFO CTD ASAC and asked him to handle responding to D’Antuono’s requests. The WFO CTD ASAC sent an email to the relevant SSAs under his supervision and to the WFO Intelligence SIA summarizing D’Antuono’s request on behalf of Bowdich and informed them that the Intelligence SIA would be compiling the information that was requested in the six bullets in D’Antuono’s email. We did not find evidence that anyone considered providing D’Antuono additional information in response to his sixth request asking for “anything else.”

The WFO Intelligence SIA forwarded the email to the Special Agent who was scheduled to be the Acting SSA for the DT squad beginning January 4 and asked him to provide “CHS reporting regarding travelers [sic] to our AOR” as well as any threat reporting. A few minutes later, the WFO CTD SSA responded to the Intelligence SIA’s email and informed her that four predicated subjects were planning to travel to Washington on January 6 and what each field office was doing about the planned travel. He also noted that there was no indication thus far that the subjects were planning violence. Finally, the WFO CTD SSA wrote that other than CHS reporting about the four subjects traveling, “CHS reporting is all generic with any number of groups saying they will be in DC, but lacking specific threat reporting and specific actors.” The WFO Intelligence SIA also obtained information from JTTF TFOs from MPD, USCP, USSS and the Supreme Court of the U.S. Police concerning D’Antuono’s other requests and compiled it into an email for the WFO CTD ASAC and WFO Intelligence SSIA 1’s review.

After the summary was finalized, the WFO CTD ASAC forwarded it to D’Antuono on Sunday morning, January 3. The summary email did not specifically mention CHS reporting or describe what steps WFO was taking to collect or monitor CHS reporting. The beginning of the January 3 summary included certain statements required by the FBI’s Office of the General Counsel (OGC). We were told by multiple FBI witnesses that these statements reflect the heightened scrutiny applied to the FBI’s investigative and information collection activity with respect to First Amendment-protected activities. FBI OGC provided guidance to field offices about the lawful collection and handling of information concerning the exercise of First Amendment rights

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<sup>43</sup> Representatives of the WFO’s agents’ association and the Special Agents Advisory Committee raised concerns about FBI agents potentially being involved “in the coming weeks” in civil unrest situations in an email to D’Antuono on January 4, 2021. The representatives noted in their email that “[t]he events of June 2020 and WFO’s response, are still fresh on the minds of most of WFO’s agents” and stated they were available to meet with D’Antuono to offer the agents’ “views/take-aways: good, bad, or indifferent.” D’Antuono responded that he hoped “we and our partners have done a lot of learning from our experiences over 2020” and that he was “very much aware of what happened in the past” but could not know what the office’s response might be in any future civil unrest situation. D’Antuono told the OIG that he was aware that WFO agents in the summer of 2020 went “through the ringer” and were “in a position that they weren’t comfortable in” and did not feel like they were trained for when they were put “on the streets to...protect buildings and statues and people,” but he said that he was not in a position to promise the representatives at that time in advance of January 6 what might happen. He stated, “I can’t promise them I’m not going to send agents out to quell an insurrection.... If that was the question, that would have been the response.” D’Antuono did not meet with the agents. For a detailed description of the FBI’s role in the events in and around Lafayette Park in late May and early June of 2020, see the OIG’s report entitled *Review of the Department of Justice’s Response to Protest Activity and Civil Unrest in Washington, D.C. in May and Early June 2020*.

and in the guidance provided a set of template language, referred to as “caveats,” to be inserted in various circumstances when including information in FBI documents or emails that is related to the exercise of First Amendment rights. The January 3 summary included the following caveat:

The following list of events is being maintained per request of WFO Executive Management. The items on this list are compiled by FBI partner agencies. FBI WFO does not have any information to suggest these events will involve anything other than first amendment protected activity and is being distributed for situational awareness. Their inclusion here is not intended to associate the protected activity with criminality or a threat to national security, or to infer that such protected activity itself violates federal law. However, based on known intelligence and/or specific, historical observations, it is possible the protected activity could invite a violent reaction towards the subject individual or others in retaliation or with the goal of stopping the protected activity from occurring in the first instance. In the event no violent reaction occurs, FBI policy and federal law dictates that no further record be made of the protected activity.

Following this caveat, the January 3 summary contained an “Event Overview,” and was then divided into four sections labeled “Hotel and Transportation Reporting”; “Threat Reporting”; “Agency Posture”; and “Planned Events.” The “Event Overview” stated:

A review of open source, law enforcement, and liaison information suggests a sizable number of people plan to attend a series of loosely affiliated rallies in Washington, DC on 6 January 2021. Counterprotestors are aware of many of these plans and continue to organize events in opposition. To date, FBI Washington Field Office (WFO) is tracking four predicated domestic terrorism subjects traveling to the AOR for unknown purposes as well as a collection of unsubstantiated reports of threats to the city, protest participants, and/or US Government officials.<sup>44</sup>

The “Hotel and Transportation Reporting” section described the significant increases in hotel occupancy compared to same time the previous year, as well as open source reporting about where a particular group might stay.

The section labeled “Threat Reporting” indicated that the information provided was based on “[a] review of law enforcement and liaison reporting” and stated that “no credible or verified threat to the activities associated with 6 January 2021” had been identified but that “[l]aw enforcement partners and the FBI [were] tracking a number of unsubstantiated threats.” That summary statement was followed by five bullet points about threat reporting, including:

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<sup>44</sup> Open-source intelligence, according to the Office of the Director of National Intelligence, is “publicly available information appearing in print or electronic form including radio, television, newspapers, journals, the Internet, commercial databases, and videos, graphics, and drawings.”

- ☒ that “[a]ccording to USCP, MPD, USSS, and US Supreme Court [Police] no credible threats have been identified;”<sup>45</sup>
- ☒ that WFO was tracking [16] Guardians pertaining to January 6 and that none of the threats had been corroborated, but that the incidents reported “ranges from threats to the DC water supply to armed insurrection to various groups threatening to kill those with opposing viewpoints;”<sup>46</sup>
- ☒ that according to reporting from other field offices, there were 4 predicated DT subjects planning to travel and that the FBI “continues to monitor each subject and may employ additional law enforcement actions”;
- ☒ that there were no specific WMD threats “other than likely continued use of fireworks/explosives/arson by protestors” and that “atmospherics” included “a general uptick in infrastructure threat reporting” as a result of the December 25, 2020 Nashville bombing; and
- ☒ that “a review of open source reporting shows a collection of wide ranging and unsubstantiated threats of various kinds of violence in DC. For example, the Proud Boys founder noted on social media the group will not wear its usual black and yellow colors on 6 January but might dress

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<sup>45</sup> This bullet point also stated that “USCP will be providing an updated assessment on 3 January.” On January 3, USCP’s Intelligence and Interagency Coordination Division prepared a threat assessment stating, among other things, “Unlike previous post-election protests, the targets of the pro-Trump supporters are not necessarily the counter-protesters as they were previously, but rather Congress itself is the target on the 6th.” According to the Select Committee report, two USCP officials, including the then Assistant Chief for Protective and Intelligence Operations, were briefed on January 4 about the January 3 assessment. The Assistant Chief testified to Congress that the USCP on January 4 briefed this threat assessment at the MPD coordination call. As discussed below, the WFO CTD ASAC and WFO Intelligence SIA attended the MPD coordination call on January 4; however, they and other FBI witnesses told the OIG that this assessment was not briefed at meetings they attended. We did not find any documentary evidence that the FBI was provided with the January 3 USCP assessment.

<sup>46</sup> The text of the summary statement incorrectly stated that there were 13 Guardians; there actually were 16 Guardians as reflected at the end of the summary in a section labeled “Guardian Appendix” that described the 16 Guardians related to January 6 that various field offices, including WFO, were investigating and that the Intelligence SIA had more generally summarized in the Threat Reporting section. Attached to this report as Appendix 1 is the information included in the “Guardian Appendix.” For example, WFO had opened a Guardian based on information reported by a DC resident who ran a website called “WashingtonTunnels.com” that explored subterranean architecture of DC. The complainant reported that there were several message board conversation threads about “protesting the 2020 Inauguration” and that one of the threads contained what was described as a “most important map for January 6” and that “different colors” on the map “appear[ed] to be assignments.” Included in the summary of the complaint appear to be statements from the threads associated with the map, such as, “Form a TRUE LINE around the Capitol and tunnels;” “The session starts at 1 pm. Be there in the morning 6-10AM;” “Red lines are most important. Must block Dems and [Republican in Name Only];” “Black X’s are for those ready for action if Congress tries to certify the steal.” As described further below in section VI.D.2., variations of this map were widely posted on social media and the map was among the information provided to the FBI’s Norfolk Field Office (NFO) by a CHS and that NFO disseminated to law enforcement on January 5, 2021. The WFO Special Agent who summarized all of the Guardians wrote in an email to the WFO Intelligence SIA that she thought that “for the execs” seeing all of Guardians would “highlight[] the nationwide impact” and that the information would give law enforcement “a framework of how to prepare, manpower, staging, blocking off access to the tunnels, monitoring these social media accounts for more specifics, etc.”

'incognito' in order to more effectively target 'antifa' in the city. Other posts have noted plans to bring firearms into the District and set up an 'armed encampment' on the Mall."

The "Agency Posture" section, in addition to describing WFO's plans for its Intelligence Division personnel, TFOs, and specialty teams, listed what several law enforcement components had provided as their current posture plans. For the USCP, for example, it described the number of platoons and types of teams that USCP expected to be deployed. For MPD, the summary stated that MPD was "fully activated for the event, with Civil Disturbance Units postured to ensure a safe and peaceful event." Lastly, the "Planned Events" section listed the names, locations, and start times of six events planned in DC on January 6.

D'Antuono forwarded the January 3 summary to Bowdich that same morning and stated that it was "the intel picture we have at the moment." He also informed Bowdich that WFO was planning to have a "mini" command post staffed with Intelligence Division personnel and TFOs beginning on the morning of January 6 and would have FBI personnel embedded with MPD's command post. In addition, he advised that WFO's specialty teams would "be on standby for immediate recall." The evidence shows that the "specialty teams" that WFO planned at this point to have on standby were two SWAT teams. As described further below, at the direction of Bowdich, the FBI's posture changed significantly beginning on January 5.

## II. January 3 and 4—DOJ's and FBI's Participation in DoD Coordination Meetings for January 6

DoD hosted two coordination calls related to the January 6 Electoral Certification—one on January 3 at 1:00 p.m. and the other on January 4 at 5:00 p.m.—with DOJ, DOI, and DHS officials as well as senior DoD officials, including then Acting Secretary of Defense Christopher Miller, then Secretary of Army Ryan McCarthy, and then Chairman of the Joint Chiefs of Staff General Mark Milley. Based on evidence we reviewed, we determined that Rosen and Donoghue participated in both calls on behalf of DOJ.<sup>47</sup> Bowdich did not attend the January 3 call, but he attended the January 4 call.

According to the DoD OIG's January 6 report, Miller organized the calls in order "to ensure the interagency group had a common operating picture and to determine if other Federal agencies intended to request support from the DoD."

The DoD OIG report stated that, during the meetings, Milley "emphasized that the lead Federal agency and law enforcement needed to be the first responders, and that ultimately this was police work," and he told the DoD OIG that "everyone [at the meetings] agreed to that." Milley and McCarthy told DoD OIG that they understood that a White House official had designated DOJ as "the lead Federal agency" for January 6 coordination purposes. However, DoD and DOJ officials were not in agreement as to whether DOJ had agreed to play that role. While Miller told the Select Committee that Rosen and he were in agreement that DOJ should lead interagency coordination for January 6, Milley told the Select Committee that when asked during the January 3 call, Rosen did not confirm that DOJ would play that role. Similarly, Rosen told the Select Committee that he did not agree to DoD's request that DOJ act as a lead federal agency for January 6.

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<sup>47</sup> Rosen told the Select Committee that he had individual calls with Miller after the January 3 and January 4 DoD coordination calls.

Donoghue told us that Milley had stressed during the meetings that DoD did not want active duty troops on the streets of DC and that everyone at the meetings was in agreement with that position. According to Donoghue, although DoD officials wanted DOJ to take on the role of lead federal agency in the event of a civil disturbance, DOJ did not agree to be the lead federal agency. Donoghue's notes from the January 3 call show that DoD asked if DOJ would be willing to be the "civilian agency lead" for January 6, and under that notation is "Not prepared to do that now." Donoghue told the OIG that on the January 4 call, DOJ stressed that while DOJ has tactical resources, such as SWAT and other specialty teams, "we don't have street cops." Donoghue said that while he understood that someone with a military perspective may want a single head of command, in DC jurisdiction and authority are "fragmented, and appropriately so."

Bowdich told the Select Committee that on this January 4 call, he explained that the FBI's role would be to conduct investigations of violations of federal law, establish a command post to receive and share information, and provide tactical support, as appropriate. Bowdich also told the Select Committee that he stated during the call that the National Guard was a "significant deterrent at Lafayette Park" but that Milley responded that he saw January 6 as a law enforcement operation. Bowdich told the Select Committee that he believed that there was a potential for violence for January 6, and he believed having the National Guard present "would have been helpful." At the same time he stated that he understood that DoD officials "didn't want it to look like a militarized event, a militarized society" and that "they had different concerns." Bowdich's notes from this call are consistent with the testimony described above.<sup>48</sup>

### **III. January 4—WFO and DTOS Focus More Resources on Tracking DT Subjects Traveling to DC for January 6 Events**

As of January 4, field offices were obtaining additional reporting about DT case subjects traveling to DC for the events of January 6 and were providing that information to WFO. The WFO Special Agent who became the Acting SSA of the DT squad that morning told the OIG that his understanding was that, as of that morning, "our chief concern" was predicated subjects who had expressed an interest or intent to travel to DC for the events of January 6. The Acting SSA told the OIG that he made several phone calls to supervisors in the offices that had notified WFO that one of their DT subjects was traveling, and he was asking the supervisors in those offices to take some action to lawfully prevent the subject from traveling and to keep WFO informed of the status. For example, if the subject had an outstanding warrant that a TFO could arrest the subject for, that would potentially prevent the subject from being able to travel. According to the Acting SSA, the FBI had not developed any information that any subject was planning to engage in violence, but because a subject of a DT case may be inclined to engage in violence, preventing the person from traveling

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<sup>48</sup> Donoghue told the OIG that on the morning of January 4, Bowdich came to DOJ for a standing meeting with DOJ leadership during which, among other things, they discussed the January 6 Electoral Certification. According to Donoghue, after the meeting, he pulled Bowdich aside in the hallway and told him what had transpired the previous day at the White House when President Trump had proposed at a meeting attended by Donoghue to remove Rosen from the position of Attorney General and replace him with the Acting Assistant Attorney General for the Civil Division Jeffrey Clark. Donoghue told the OIG that—in the event that he and Rosen were fired—he thought that the FBI should be aware of what occurred over the weekend and not be caught off guard. According to Donoghue, FBI Director Christopher Wray was not present for this January 4 meeting. Donoghue told the OIG that the January 3 White House meeting and related events did not give him any concern about what President Trump could or would do on January 6. Bowdich told the Select Committee that he recalled being made aware of "the situation with Jeffrey Clark" by Donoghue and that he did not tell anyone, except maybe the FBI Director. When asked, "Did that in any way affect your carrying out your responsibilities as Deputy Director or any FBI activity," he replied, "No."



would be “a win.” The Acting SSA said that he “had a spreadsheet going” and as he learned of another subject traveling, he “would add them to the spreadsheet.”

By mid-morning DTOS was involved with WFO in tracking travelers. The DTOS Assistant Section Chief told the OIG that what “was impressed upon” DTOS by then CTD Assistant Director Jill Sanborn was that DTOS “had to maintain visibility” into the travelers and “take every effort to ensure those travelers did not travel and if they did, work with WFO accordingly.” The DTOS Program Manager said that he believed that there was direction from his chain of command to coordinate with WFO to ensure that each office had the same information and that there was “uptick in the urgency with which we were trying to identify who was coming to D.C.” Emails show that the DTOS Program Manager was directed to compile a list of subjects expected to travel to DC for January 6. Mid-morning on January 4, the DTOS Program Manager sent the Acting SSA an email asking for the information about the four travelers that WFO had referenced in the briefing put together over the weekend for Bowdich.

That morning the DTOS Program Manager also had a coordination call with several other program managers and asked them to provide him with their latest list of who was anticipated to travel as well as a “brief blurb now on background, the nature of travel, and any plan/monitoring in place.” He noted, “Asap today please, so I can aggregate them all by COB today.” By 1:00 p.m., DTOS had created a spreadsheet in a shared folder, the DTOS Program Manager emailed a link to it to the DTOS units, and he asked them to click on the link to the document and add “a few data points” by 4:00 p.m. that day if their unit was aware of a subject of a full or preliminary investigation or Guardian assessment “actually traveling to DC for the Jan 6, 2021 Electoral Certification.”<sup>49</sup>

By the end of the day, the DTOS Program Manager provided his supervisor, DTOS Unit Chief 1, with a document providing information about nine DT subjects from seven field offices planning to travel to DC for the January 6 Electoral Certification, and she provided that information to Sanborn and others in DTOS executive management. For example, the document described a Field Office 3 DT subject who was identified as having a leadership role in a “right-wing extremist political and ideological movement” and associated with a Field Office 3 Resident Agency 1 DT subject with whom the Field Office 3 DT subject had previously traveled. The document stated that surveillance would be conducted on the Field Office 3 subject to determine if he traveled to DC. With respect to a Field Office 15 DT subject, it was reported in the document that, according to CHS reporting, the Field Office 15 DT subject was taking a group of 22 people to DC and that this group was “one of hundreds of highly trained specialized teams that will be meeting DC” and that “militias plan to engage with violence with ANTIFA and [Black Lives Matter], prevent Biden from taking office and claim to have weapons caches available at a moment’s notice.” The document further stated that the field office had “CHS coverage” for the Field Office 15 DT subject.<sup>50</sup>

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<sup>49</sup> Other references in emails to “travelers” and “predicated subjects” did not specify whether Guardian subjects were included.

<sup>50</sup> On the evening of January 4, subsequent to the distribution of this document concerning DT subjects traveling to DC, the DT squad received a Guardian with information alleging that an individual said he was going to start shooting people from the window of his hotel room in DC. The individual was reported to have posted photos of firearms in his hotel room and made statements suggesting a domestic terrorism nexus. WFO quickly sought the requisite approvals and

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That same day, the document that had been provided to DTOS management regarding DT subject travelers was provided to CTD executive management, including Sanborn, who then provided it to then National Security Branch Executive Assistant Director John Brown.

#### **IV. January 4—MPD and USAO Conduct Coordination Calls and FBI Activation of WFO and National Command Posts**

Also on January 4, while the DT squad and DTOS were collecting information and coordinating with field offices about travelers, there were numerous coordination calls and meetings between and among various agencies attended by FBI personnel, including D’Antuono and Bowdich. By the end of the day, Bowdich— together with Rosen and Donoghue—decided that WFO would activate a full command post and that FBI Headquarters would activate its national command post.<sup>51</sup>

At 3:00 p.m. on January 4, MPD hosted the final coordination call concerning January 6. Representatives from the FBI, USCP, USPP, Supreme Court Police, USSS, and other agencies attended. The WFO CTD ASAC and WFO Intelligence SIA attended on behalf of WFO. Shortly after its conclusion, the WFO Intelligence SIA provided an email summary of the call to relevant employees within WFO as well as the WFO CTD ASAC and WFO Intelligence SSIA 1. The summary stated, “No credible threats have been identified for the 6 January event.” In addition to summarizing the planned demonstrations and hotel occupancy, the WFO Intelligence SIA reported that law enforcement was “[n]ot tracking any counter protest demonstrations”; that “Proud Boys indicated they will be attending” but that “the number expected is unknown;” that according to social media, ANTIFA “will not let their city be taken by Trump supporters and conservatives, however no plans have been identified; and that MPD would have “high visibility,” would have “zero tolerance for any criminal activity,” and would “deescalate any situations that become heated.” A separate bullet point about social media stated:

Social media reporting is urging individuals attending the events on January 6 to come armed. No threats have been identified. MPD reminded the group that at the November [MAGA I] event, there were 5 arrests and 8 firearms recovered. MPD did not recover any firearms in the December [MAGA II] event.

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opened a full investigation, and the Acting SSA worked with an Assistant U.S. Attorney to obtain approval to make an arrest and assigned agents to effectuate the arrest. However, upon further investigation, the DT squad learned that the individual was not actually in DC.

<sup>51</sup> In addition to the calls and meetings described below, the evidence shows that there were numerous other calls in the days leading up to January 6 between and among agencies and executives specifically addressing the threat potential for that day. For example, on January 5th, D’Antuono attended a virtual meeting titled, “Law Enforcement Partners Inauguration Briefing hosted by Chief Steven Sund U. S. Capitol Police” on preparations for the Inauguration that would occur later in January. USCP Chief Sund led the virtual meeting and the topic of preparations for the January 6th protest was discussed at the meeting. D’Antuono told us that he and some other participants at the meeting discussed the FBI’s and other law enforcement agencies’ increased preparations for the January 6, 2021 protest. According to a letter dated February 1, 2021, by Sund addressed to Speaker of the House Nancy Pelosi, Sund stated that he received no warnings from the other law enforcement agencies present at the January 5th meeting, including the FBI, DHS, or USSS, that there might be a “coordinated violent attack on the United States Capitol” and no new intelligence was presented by any party at the meeting.

Consistent with the statement in the summary of the MPD coordination call that no credible threats had been identified related to the January 6 Electoral Certification, earlier that morning, an MPD Lieutenant had responded to an email inquiry from a DoD official that was sent to MPD and the WFO Intelligence SIA asking to “check in” about January 6 as it was a “high interest item at the [Chairman of the Joint Chiefs of Staff’s] level.” The MPD Lieutenant responded that MPD was not tracking any “credible or specific threat information” and was “[s]till seeing generic social media posts urging people to come to D.C. armed for this event.” After referencing an “added event on January 5th at Freedom Plaza,” the MPD Lieutenant noted that MPD had “modified [its] deployment” and “will now have a full departmental activation on January 5th and 6th.” He also included that hotel reservations “have spiked since POTUS announced that he will be attending the January 6th event.”<sup>52</sup>

Also at 3:00 p.m. on January 4, the DC USAO hosted a coordination call to ensure that the FBI, MPD, and Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) were “in sync,” to obtain information about whether command posts would be open, and what the agencies understood from their intelligence. The call was attended by the then Acting U.S. Attorney Michael Sherwin, the then Principal Assistant U.S. Attorney for DC, D’Antuono, the then SAC of ATF’s Washington Field Division, and the then MPD Chief Robert Contee.

Immediately following the USAO coordination call, D’Antuono had a Special Assistant prepare a summary of the meeting, and that information was shared with Bowdich within a few minutes of the meeting ending. According to the summary, MPD advised during the meeting that permits indicated a range of 10,000 to 25,000 attendees for the January 6 events; that hotel occupancy was up over the same time the previous year; that “POTUS says he is going to be at event on 6th;” that MPD expects most people to be at the Ellipse since the President announced that was where he would be; that the DC National Guard would be staged at subway stations and engaged in traffic management; and that MPD would begin its Joint Operations Command Center at 7:00 a.m. on January 5.

The summary further stated that D’Antuono reported that WFO would begin its command post the morning of January 6 and also would have WFO personnel in MPD’s Joint Operations Command Center. The summary also stated, consistent with what MPD reported at its coordination call that day, that “No known threats being tracked locally.” The summary document separately noted MPD information that was “NOT brought up on call,” which was that MPD had an arrest warrant for Proud Boys leader Enrique Tarrio, and that MPD had information that Tarrio was coming to DC that night and was undecided whether they would arrest him.<sup>53</sup> (Emphasis in original.)

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<sup>52</sup> On January 3 at 10:27 a.m., then President Trump tweeted “I’ll be there” at the Ellipse on January 6.

<sup>53</sup> The then Principal Assistant U.S. Attorney for the DC USAO told the OIG that he had spoken several days earlier with D’Antuono and MPD about an arrest warrant for Tarrio, about whether Tarrio planned to be in DC for January 6, and about whether Tarrio should be arrested. The Principal Assistant U.S. Attorney said that whether to make an arrest and when would primarily be a local law enforcement decision because “they have to consider what would be a provocative act that could actually inflame things, or what would be an effective disruption that would...reduce the risk of a threat of violence.” As described further below, MPD arrested Tarrio at approximately 10:30 p.m. on January 4. According to an MPD report, Tarrio was charged with misdemeanor destruction of property, “stemming from vandalism of various churches in Washington, DC.” In addition, Tarrio was charged with a felony after officers searched Tarrio when he was arrested and found 2 ammunition magazines that hold greater than 10 rounds in his belongings. Tarrio was released at

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After the January 4, 3:00 p.m. USAO coordination call, and before the January 4, 5:00 p.m. DoD principals coordination meeting described above, a decision was made that in addition to a command post being activated at WFO (as D’Antuono had reported during the USAO coordination call), the FBI would stand up its national command post at FBI Headquarters in the Strategic Information Operations Center (SIOC) starting at 4:00 p.m. on January 5.<sup>54</sup> According to notes of the then Acting Chief of the Counterterrorism Section of DOJ’s National Security Division (Acting NSD CTS Chief), before the DoD coordination meeting, he, Rosen, Donoghue, and Sherwin, met and discussed the latest information about preparation and coordination for January 6. Those notes indicate that Bowdich had informed DOJ leadership that the FBI would have a command post at WFO and in SIOC for January 6.

According to the Acting NSD CTS Chief, DOJ leadership discussed the reasons they believed that a national command post was needed, including the Acting NSD CTS Chief’s recommendation to leadership that “if this went really badly, this could spill out across the country” and a national command post would facilitate coordinating of FBI assets and resources across FBI field offices and with other government agencies.<sup>55</sup> According to the Acting NSD CTS Chief, Rosen and Donoghue agreed, and they called Bowdich to discuss this issue. The Acting NSD CTS Chief told the OIG that he recalled Bowdich said he had planned to launch the national command post on the morning of January 6, but, at the Acting NSD CTS Chief’s suggestion, the group agreed to start it at 4:00 p.m. on January 5. During the January 4, 5:00 p.m. DoD coordination call, Bowdich—in addition to describing, as noted above, the FBI’s AORs in connection with January 6—informed the group that the FBI would have a command post at WFO and a national command post in SIOC beginning the next day at 4:00 p.m.<sup>56</sup>

## **V. January 4—Bowdich Directs FBI Headquarters and WFO to Initiate Command Posts the Next Day**

Later on the evening of January 4, during the Deputy Director’s daily close-out meeting, which was held after the DoD coordination call, Bowdich was briefed about the travelers that DTOS was tracking, including

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approximately 5:00 p.m. on January 5, after having been ordered to leave DC. The indictment and related sentencing documents are publicly available and therefore we refer to Tarrío by name in this report.

<sup>54</sup> SIOC is the FBI’s command and communications center that operates around the clock. According to the FBI’s website, it “maintain[s] enterprise-wide situational awareness...to provide FBI leadership with strategic information by serving as a clearinghouse to collect, process, and disseminate information in a timely manner.” SIOC is operated by CIRG. The formal name of the national command post located inside SIOC is the National Crisis Coordination Center (NC3). NC3 is activated at the discretion of FBI executive management when there is a need for coordination enterprise-wide because of a multi-AOR event or because the intelligence, assets, and resources of a field office are overwhelmed by a crisis occurring within its AOR.

<sup>55</sup> As we discuss elsewhere in this report, FBI Headquarters Critical Incident Response Group (CIRG) can allocate FBI resources from all over the country to include additional agents, support personnel, and specialty units such as SWAT, ERT, Hostage Rescue Team, SABTs, to augment the resources of an FBI field office with a special event or a critical incident within its area of responsibility.

<sup>56</sup> Donoghue told the OIG that the decision to have the FBI activate the national command post in SIOC was Rosen’s idea; that the FBI, including Bowdich, did not want to open SIOC at first; and that Rosen told Donoghue to tell Bowdich to open SIOC.

information regarding the FBI's coordination with local police to arrest a traveler on local criminal charges.<sup>57</sup> In addition, Bowdich informed the relevant senior executives that WFO and SIOC would be operating command posts beginning on January 5 at 4:00 p.m. and that travelers and relevant Guardians should be briefed at the command posts. Also that evening, Bowdich directed the appropriate entity at FBI Headquarters to increase its readiness of tactical assets.

According to emails sent after the meeting, Bowdich communicated during the meeting that the main purpose of the national command post in SIOC was "to have an infrastructure already in place...should violence/criminal activity significantly occur in DC and/or around the country." Bowdich told the Select Committee that at the time the decision was made to activate the national command post, there had been "chatter" online at some point about people taking over state capitals and he was concerned that "if something did happen" during the protests, "it could potentially reverberate throughout the country which could touch off other disputes or other conflicts in other cities and regions around the country." Bowdich also told the Select Committee that he activated the national command center because "the noise seemed to be growing as we got closer to the event, and it reached a point of we just didn't know what was going to happen." He added, "Sometimes you just get a sense for it when you've been doing it. And especially [in 2020] with all the events we had and all the command posts we had, both locally and nationally, you kind of got a feel for it."

According to the then Acting AD of the Critical Incident Response Group (CIRG), after the Deputy Director's close-out meeting, Executive Assistant Director (EAD) Terry Wade called him and told him that the Deputy Director had instructed CIRG to establish a national command post in SIOC the next day at 4:00 p.m. The Acting CIRG AD told the OIG that he did not recall being advised by Wade of any specific threat information giving rise to the Deputy Director's concern. He said that after he talked to Wade, he called D'Antuono to ask him if he was aware of any specific threats, and D'Antuono said that he was not. The Acting CIRG AD told the OIG that he and D'Antuono began coordinating on setting up their respective command posts. In addition, in response to Bowdich's directive that the FBI be prepared to respond in the event of civil unrest, CIRG began to ready certain specialty teams. For example, the Render Safe Unit National Capitol Response team, which consists of specially trained and equipped bomb technicians, was put on standby to deploy to FBI Headquarters.<sup>58</sup> Bowdich told the Select Committee that at some point, he advised CIRG to put the FBI's Hostage Rescue Team (HRT) "on standby and ready to deploy quickly, if necessary."<sup>59</sup>

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<sup>57</sup> The Deputy Director's Office typically had a daily "closeout" meeting with the Executive Assistant Directors. The purpose of the meeting was to ensure the Deputy Director was fully informed about time-sensitive matters in order to brief the Director immediately following the closeout meeting, as necessary.

<sup>58</sup> CIRG's Counter-improvised Explosive Device (IED) Section contains the Render Safe Unit, which is comprised of teams of FBI bomb technicians specially trained and equipped to handle explosive devices to include weapons of mass destruction such as nuclear devices. The Render Safe Unit has training, equipment, and IED capabilities beyond what the typical FBI field office bomb technicians possess.

<sup>59</sup> The FBI Hostage Rescue Team (HRT) is part of the CIRG Tactical Section. The HRT is a full-time tactical team that responds to "hostage situations, barricaded suspects, high-risk arrests, undercover operations, and surveillance operations." HRT has additional capabilities beyond the capabilities of field office SWAT teams. Such additional capabilities involve enhanced nighttime operations, aviation mobility, explosives breaching, hostage rescue, canine operations, and weapons of mass destruction scenarios.

In addition to CIRG being informed about the activation of a national command post the next day, WFO was advised that WFO's command post would be activated at 4:00 p.m. on January 5 as well. The WFO CTD ASAC held a meeting with his subordinates who would be involved in setting up the command post, and the WFO CTD SAC later that night notified executive management that their SWAT agents would also be called upon for protection of FBI buildings and to support investigative teams. In addition, all of WFO's employees who were trained and assigned as part of their collateral duties to the ERT were advised to "make sure that [their] gear [was] squared away and ready to respond if called upon." D'Antuono held a late evening meeting on January 4 with his executive management team to discuss activating the WFO command post the next day. Also that evening, WFO and SIOC held a coordination call and agreed on a briefing schedule that would take place every 2 hours between the command posts.

D'Antuono told the OIG that as the event got closer, he and others, including Bowdich, "started getting the feeling...[January 6] might be a little different." D'Antuono said that the feeling was not based on any intelligence in particular, but on a number of factors, including the angry rhetoric about the election results and the fact that President Trump would be speaking at the Ellipse, as well as the DT subjects who were traveling and the crowd size. D'Antuono told the OIG that he did not recall a concern about President Trump's speaking role at the Ellipse coming up in his conversations with Bowdich in the lead-up to January 6 but that it was "definitely something" he and his executive management team discussed. According to D'Antuono, concerns about the President speaking also "went into the calculus" as to how the FBI changed its posture as the event drew closer. The WFO Intelligence SAC told the OIG that she did not recall any discussions about concerns about what President Trump might say on January 6, but she said that upon learning that he would be speaking, she recalled thinking that his speaking would increase the crowd size and could affect "how [those in the crowd] would respond to him." She said that she recalled thinking, "We got to be ready for this." The WFO CTD SAC told the OIG that because President Trump would be speaking, "we knew that the numbers of people in the city would be high."

## **VI. January 5—WFO and DTOS Continue to Track Travelers; FBI Headquarters and WFO Open Command Posts; CIRG and WFO Ready Tactical Assets**

Throughout the day on January 5, FBI senior management, DTOS, and WFO continued to track and monitor DT subjects expected to travel to DC, and DTOS and WFO coordinated with field offices about steps being taken to monitor or disrupt the subjects' travel. The evidence shows that Bowdich was briefed that morning on the status of travelers by Sanborn and was advised that DTOS was tracking 12 DT subjects. Thereafter, Bowdich talked to D'Antuono, and after Bowdich's call to WFO, the WFO Intelligence SAC provided D'Antuono with the latest information concerning travelers, including that there were 12 from 8 field offices and that the office was tracking 43 Guardians related to the event, and said that her team would soon have the information that she provided D'Antuono written up and distributed.<sup>60</sup>

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<sup>60</sup> The WFO Intelligence SAC's email referred to a "sitrep" being written up. A "sitrep" is a situation report and is a means of communicating intelligence and operational developments to executive management or other agencies during special events or critical incidents.

That morning, WFO Intelligence SSIA 1 also provided the WFO Intelligence SAC and D'Antuono with information about Tarrío's arrest by MPD.<sup>61</sup> The night before, January 4, after being made aware of the arrest, Intelligence SSIA 1 asked her subordinates for an update on "any rhetoric" on the arrest. WFO Intelligence SSIA 1's email to the WFO Intelligence SAC and D'Antuono stated that "[p]er open source searches...no specific threats were identified" but that "[s]everal social media posts called for DC to 'burn to the ground.'" In addition, WFO Intelligence SSIA 1 informed them that WFO had opened a Guardian based on information that a social media user had posted "DC police should be isolated and executed one by one" that appeared to have been posted in response to Tarrío's arrest.

During a CIRG leadership meeting that morning, the Acting AD of CIRG told his team that 12 DT subjects were planning to travel to DC for the January 6 Electoral Certification, that there were "no imminent threats known," but that "[o]ther pending news may spark unrest," such as a pending announcement by state officials about whether criminal charges would be brought against police officers in a police-involved shooting. The Acting AD told the OIG that he recalled being made aware of this information when he attended the Deputy Director's morning briefing on January 5. In an email sent by the then Acting AD within CIRG that morning summarizing the CIRG leadership meeting, the Acting AD stated that Bowdich was "concerned about potential unrest in [the National Capital Region] and elsewhere" and "as such wants [the FBI] to posture to [be prepared to] handle" any unrest.

That afternoon, WFO distributed internally its "intel update" of the January 4 MPD coordination call and other information collected regarding January 6. As the WFO Intelligence SAC's email to D'Antuono a few hours earlier had stated, the intel update summary stated that WFO was tracking 12 subjects and listed the 8 field offices that had cases on the subjects. The summary email also provided more detailed information about a particular Field Office 15 DT subject who was reportedly part of an organization that trained in building and detonating illegal explosive devices, who said that he planned to bring 22 members of his group to DC, and who made threats such as "taking over the White House." Although the WFO Intelligence SIA had indicated in her December 31 email, discussed above, that this intel update would include "pertinent CHS reporting," this email did not reference CHS reporting. The WFO Intelligence SIA told the OIG that she was not aware of what the field offices were reporting to WFO about their CHS reporting but that she "trust[ed] that [the SOS] and [IA] embedded on the CT squad were doing the best they could to pull all that information." The embedded IA told the OIG that in the lead-up to January she was searching FBI databases for relevant CHS reporting.

During the afternoon of January 5, Bowdich also asked D'Antuono more questions related to the preparations. According to notes D'Antuono prepared after this discussion with Bowdich, Bowdich asked, "How many events are going to culminate at the Capitol?" During this meeting, Bowdich also directed WFO to engage with another field office about having its SWAT personnel available to assist if needed. Bowdich also asked about National Guard resources such as the number of personnel planned for a "quick reaction force" and their response time if deployed. With respect to the Bowdich's question about crowd movement, emails show that the WFO CTD SAC obtained information from the USPP about crowds, and D'Antuono emailed it to Bowdich's office at 5:38 p.m. According to the email sent to Bowdich's office, "USPP expects at

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<sup>61</sup> As noted above, according to an MPD report, Tarrío was charged with misdemeanor destruction of property, "stemming from vandalism of various churches in Washington, DC." In addition, Tarrío was charged with a felony after officers searched Tarrío when he was arrested and found 2 ammunition magazines that hold greater than 10 rounds in his belongings. Tarrío was released at approximately 5:00 p.m. on January 5, after having been ordered to leave DC.

least half of the groups permitted by NPS elsewhere in the City will likely move toward the Capitol at some point.”

The WFO CTD SAC’s emails also reflect that he asked a subordinate to find out whether the USCP planned to use “non scalable fencing” at the U.S. Capitol. The subordinate wrote to the WFO CTD SAC, “As for the non-scalable fencing, USCP states they do not use that. They use bike racks and officers to guard the perimeter. According to USPP, there is also no non-scalable fencing around the Elipse [sic] at the White House. They too are using bike racks and orange ‘snow fence.’” The WFO CTD SAC told the OIG that he did not recall why the FBI was inquiring with the USCP about the fencing. However, the WFO CTD SAC stated that, as a general matter, the FBI would want to know about fencing because it is a data point the FBI would use in planning how to posture. He said that fencing slows down crowds and provides law enforcement more time to respond, if needed.

At approximately 5:00 p.m. on January 5, Bowdich and EAD Wade had a telephone call with the Acting AD of CIRG who briefed them on the FBI’s readiness and how tactical assets would be postured. By the end of the day on January 5, in addition to the Render Safe Unit teams, CIRG had placed its HRT on recall, planned to have them ready to deploy, and had helicopter resources prepared for quick deployment. CIRG was also coordinating with WFO and another field office about their SWAT resources and how they would be positioned.

In the Acting AD’s email to his subordinates immediately following the January 5 afternoon call with Bowdich and Wade, he wrote that Bowdich had “expressed his concern something could happen in the [National Capital Region] tonight and even more concern for tomorrow and tomorrow night.” In addition, he wrote, that Bowdich “wants us all to be ready to deploy and leaning forward as much as possible in event we are needed.” The Acting AD told the OIG that he did not recall anything more specific about the conversation than what he wrote in his email that evening.

Sometime before 8:00 p.m., Bowdich visited the SIOC and then, shortly before 8:00 p.m., he went to the WFO command post and participated in the WFO and SIOC 8:00 p.m. briefing. Evidence shows that Bowdich was interested in the latest information about travelers and took notes concerning the information he was provided. In addition, at the WFO command post, Bowdich asked about crowd sizes and asked each of the representatives present from other agencies, including the USCP, whether their agency needed anything from the FBI; each representative indicated that their agency did not need any assistance from the FBI.<sup>62</sup>

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<sup>62</sup> In a letter dated January 5, 2021, addressed to Rosen, then Acting Secretary of Defense Chris Miller, and then Secretary of the Army Ryan McCarthy, DC Mayor Muriel Bowser wrote that MPD was prepared for the upcoming First Amendment activities, had coordinated with the USPP, USCP, and USSS, and had “additional logistical support of unarmed members of the DC National Guard.” She noted that in 2020, MPD “was expected to perform the demanding tasks of policing large crowds while working around unidentifiable personnel deployed in the District of Columbia without coordination” and that this caused confusion. She advised the recipients, “To be clear, the District of Columbia is not requesting other federal law enforcement personnel and discourages any additional deployment without immediate notification to, and consultation with, MPD if such plans are underway.” Donoghue told the OIG that he and Rosen were made aware of the letter after the Mayor’s office had made it public through social media. Donoghue told the OIG that the letter did not affect DOJ’s preparation and that DOJ’s law enforcement agents “were always going to be reserves.”



In an email to the DTOS Section Chief about Bowdich's visit to the command posts, the DTOS Assistant Section Chief wrote: "Only notable event tomorrow that could trigger a flashpoint is a planned POTUS rally/speech on the ellipse at 1100EST. It's estimated that 30,000 participants will then march toward the Capital [sic] which will coincide with the 1300EST scheduled Congressional meetings to certify the electoral college vote. Obvious concerns remain if counter-protests ensue and opposing ideologies clash."

## **VII. January 6—FBI Deploys Tactical Resources in Response to the Rioting, Assists in Securing the U.S. Capitol, and Provides other Support Functions**

On the morning of January 6, the FBI had personnel in the MPD JOCC, the WFO command post, and SIOC, as well as an IA in DHS's virtual situation room. The FBI also had tactical teams and other specialized resources on standby. After the Capitol had been breached on January 6 by rioters, and in response to a request from the USCP, the FBI deployed several hundred Special Agents and employees to the U.S. Capitol and the surrounding area. Further, at approximately 1:00 p.m., WFO SABTs deployed to the headquarters of both of the major national political parties, after receiving reports of suspected suspicious devices. Ultimately, law enforcement located two suspected pipe bombs at each of the party headquarters. After law enforcement rendered the devices safe, the FBI recovered and transported the devices to the FBI Laboratory in Quantico, Virginia.

At approximately 2:30 p.m., a WFO SWAT team deployed to assist the USCP in securing the Capitol. At approximately 3:15 p.m., Field Office 8's SWAT team deployed to assist the USCP in securing the Senate Hart Building. At approximately 4:10 p.m., additional Special Agents from the WFO's SWAT team were deployed to secure the Longworth House Building and personnel.

Thereafter, HRT, staged at Quantico, and additional SWAT teams from two nearby field offices responded to support WFO and USCP. Upon arrival, HRT coordinated with the USCP to secure a perimeter around the Capitol. The other SWAT teams were placed in a standby status upon arrival and did not deploy to the scene. FBI tactical teams assisted USCP and other law enforcement with ensuring all protesters were removed from the Capitol and assisting in securing the Capitol's perimeter. FBI SABTs from Quantico responded to the Capitol to provide additional counter-improvised explosive devices support and to assist with sweeping the Capitol for potential explosive devices.

Over the course of the afternoon and evening, the WFO ERT and multiple other specialty teams deployed to process the following crime scenes: both major political party headquarters, a truck containing Molotov cocktails and other weapons in vicinity of both party headquarters, and the Capitol. WFO also deployed Special Agents for additional security and investigative operations.

In response to congressional inquiries following the January 6 rioting, the FBI and witnesses testifying on its behalf conveyed that how the FBI postured in advance of January 6 revealed how concerned the FBI was about the potential for violence. For example, in response to written interrogatories from the Senate HSGAC, the FBI wrote, "[B]ased on what we were seeing in the intelligence, we took the rather extraordinary step of pre-positioning, or placing on standby, tactical teams and specialized resources to respond, if needed." D'Antuono told the OIG that the FBI "enhanced [its] posture tremendously" compared to the MAGA I and MAGA II protests. The WFO Intelligence SAC told the OIG that the FBI "made significant changes to what a posture on a...normal rally or a normal protest would be," and she told the Select Committee that

the FBI was “extremely well-fortified and prepared to help in any way possible.” The then Section Chief of the CIRG Tactical Section told the OIG that having CIRG’s tactical teams present with their equipment and “the helicopters parked outside” was “super forward-leaning” and reflected the concern about what could happen on January 6.

### **VIII. January 6—FBI Issues a TSIN to Canvass Its Sources for Information about Perpetrators of Criminal Acts Related to Coordinated Violent Unrest at the Capitol**

Late in the evening on January 6 after the breach of the Capitol, FBI Headquarters CTD and WFO drafted and obtained all requisite approvals for a TSIN within 3 hours and issued it FBI-wide. The TSIN stated that FBI field offices were being asked to “canvass all logical sources, including CHS, liaison, and technical” and provided two questions or “information needs” to be directed to sources. The first question concerned information about “the perpetrators of any criminal acts” at the Capitol or other federal facilities in DC, and the second question was, “Do you know of any plans to commit further violent criminal activity in Washington, DC, or any other threats to federal facilities or other property?”

### **IX. The FBI Did Not Have Any Undercover Employees at the Ellipse, on the National Mall, or at the Capitol on January 6.**

We found no evidence in the materials we reviewed or the testimony we received showing or suggesting that the FBI had undercover employees in the various protest crowds, or at the Capitol, on January 6. D’Antuono and the WFO CTD ASAC noted that FBI policy does not permit the FBI to have undercover employees in crowds at First Amendment-protected events absent some investigative authority, and the WFO CTD ASAC told the OIG that he denied a request from an FBI office to have an undercover employee engage in investigative activity on January 6.

We found that a field office whose DT subject was traveling to DC for January 6 had agents travel to the Capital Region to conduct surveillance of the subject, but the agents did not come into DC.

### **X. Post-January 6—The FBI Reported to Congress and DOJ Leadership that It Had Canvassed Its Field Offices Prior to January 6 for Threat Information**

As early as January 7, 2021, the Department and the FBI began receiving Congressional and media inquiries related to, among other things, its actions to prepare for the January 6 Electoral Certification, and the FBI immediately began preparing a variety of media responses, briefing documents, and talking points. On January 8, 2021, Department officials asked the FBI as well as other components to put together a chronology of their preparations and actions in the lead-up to the electoral certification to “provide the background leading up to Jan[uary] 6 and answer any concerns that coordination prior was not sufficient.”

We identified four documents during our review that the FBI produced in response to various January 6 inquiries that asserted the FBI had canvassed all of its field offices prior to January 6 for CHS intelligence about possible violence on January 6, and we determined that two of those documents were produced to Congress in response to Congressional information requests. However, as described above, the FBI did not clearly direct field offices to canvass CHSs for information about the potential for violence on January 6.

The first instance of the FBI asserting that it had sought information from all of its field offices regarding January 6 occurred on January 8, 2021, when Sanborn approved background talking points for use in responding to a question from the media about what intelligence the FBI had and shared prior to January 6.<sup>63</sup> Those talking points included a statement that “[i]n the weeks leading up to the January 6th rally, we worked with every FBI field office to ensure they were looking for any intelligence they may have developed about potential violence during the rally on [January] 6.”<sup>64</sup>

That same day, on January 8, 2021, Department officials asked the FBI as well as other components to put together an overview chronology of the component’s preparations and actions in the lead-up to the electoral certification. The then Special Counsel in the Office of the Deputy Director was asked to take the lead on compiling information for the overview on behalf of the FBI. The Special Counsel explained in an email to several FBI employees that her goal was “to create a baseline that we can continue to pull from for later products and incoming requests from external stakeholders.” Based on the input obtained from the various FBI offices and divisions, the Special Counsel prepared a draft and sent it back out to the various offices for review and any additional edits. After receiving additional input and edits, the FBI submitted its 9-page document to the Department on January 10, 2021, labeled “FBI’s Planning, Coordination, and Response to U.S. Capitol Breach.” Under the title was a section labeled “Pre-January 6, 2021 Coordination Summary Overview” and that section was followed by a detailed overview. In the second bullet point on page 1 in the summary overview, the document stated that DTOS “canvassed all FBI Field Offices (FO) to review their pending investigations to determine whether any of their subjects posed a threat to the upcoming electoral certification and presidential inauguration” and requested field offices to “canvass their confidential human sources (CHS) for any reporting regarding the potential for violence at such events.” The FBI’s 9-page document, including the summary overview portion with the “canvass” sentence, was subsequently produced to the Select Committee in connection with the then-Committee’s ongoing investigation into the events of January 6.

This canvass sentence was not included in the original version of the chronology that the Special Counsel provided to DTOS and other entities to review for accuracy. The then DTOS Section Chief, who was on leave for a significant period leading up to January 6, asked the Assistant Section Chief, who had served as the Acting Section Chief while the Section Chief was on leave, to review the draft sent by the Special Counsel. In response, the Assistant Section Chief wrote, “I’d only suggest we add a [bottom line up front] regarding our coordination email sent to all Field PCORs to query their CHS base in advance of the 1/6 certification vote. The below language was sent to all PCORs on 12/21/2020 over [the FBI’s unclassified email system].” The “below language” included by the Assistant Section Chief was an excerpt from the December 30, 2020 email (not from a December 21 email) that the Assistant Section Chief was copied on and had approved while he

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<sup>63</sup> Based on emails we reviewed, in the days following January 6, a public affairs advisor was working directly with Sanborn to obtain her approval of written responses and talking points for the Office of Public Affairs and WFO to use when responding to press inquiries.

<sup>64</sup> An earlier draft of the talking points stated, “In the weeks leading up to the January 6th rally, we instructed every field office to canvass thier [sic] sources for information we may have had about plans for violence either at the rally or afterward.” The reasoning behind the revision to the language in the approved talking points is not memorialized in emails.

was acting as section chief.<sup>65</sup> The Assistant Section Chief did not use the word “canvass” in his email response to the Section Chief; rather, the Special Assistant to Sanborn, who collected and incorporated CTD’s comments into the revised draft, added the canvass statement and cited to “DTOS Email dated 12.30.20” as the source supporting the addition.

In our initial interview with the DTOS Assistant Section Chief a few months after January 6, he told the OIG that in late December 2020, the FBI had issued a collection emphasis message specific to the electoral certification and that issuing a CEM “is very standard” when there is a “large national event.” In our follow-up interview, we advised him that our investigation had shown no CEM was issued, and he stated that he recalled a discussion in DTOS in late December in which “we agreed it was prudent to put out, enterprise-wide, a request that all sources be queried, specific to, if it wasn’t the certification, I have to definitely imagine it was the Inauguration.” When we asked him about the December 30, 2020 email to the PCORs, he said that, although a CEM is formal and issued by intelligence personnel, the December 30 email was what he was referring to when he referenced a CEM to us and that the email had “the same functionality.” When asked, after having re-reviewed the email, what language he would point to as asking the field to canvass sources, he acknowledged that “[t]here is not that affirmative, you must do this and ask these questions of your sources” but said that he believed that it was “implied” and the email “was providing every opportunity to have these questions be fielded by the various PCORs.” He added that as a supervisor in the field, if he received that email, the only way the information could be obtained that is referenced in the email would be “to go through our CHS base.”<sup>66</sup>

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<sup>65</sup> The excerpt provided contained the following portion of the December 30, 2020 email: “In order to better assist WFO in addressing threat reporting provided by other Field Offices, DTOS and WFO request that P[rogram ]M[anager]s push the following requests to all PCORs with respect to reporting they seek to provide WFO:

- If violence is alleged in the reporting is there any specific information (type of violence, date, time location)?
- If there are no specifics, why are we stating violence is an issue?
- What action is the reporting office taking to identify the individual(s) making the threats and to mitigate them before they occur (Guardian, [preliminary investigation], [full investigation])?
- Where is the subject currently located, and if not known what is being done to determine the location?
- Are there any plans of travel to another AOR, and if so what are the details?
- If the reporting does not identify any violence/threat/criminal activity, why is it being reported?”

<sup>66</sup> The Assistant Section Chief was one of five FBI witnesses who initially recalled during their OIG interviews that the FBI had issued a CEM or other collection message or canvass specific to the January 6 Electoral Certification. The DTOS Section Chief, who also initially told the OIG that the FBI had issued a CEM specific to January 6, subsequently told us that until he read the Inauguration CPM provided by the OIG and realized it focused only on the Inauguration, he had understood the FBI had issued a CEM for the Electoral Certification. According to the Section Chief, typically in connection with a big event DTOS executive management and, sometimes, the AD, would have discussions about whether a field office needed assistance in getting out a collection product or perhaps RFCs. He said that he did not recall any discussion like that concerning January 6 before he went out on leave for approximately 2 weeks on December 18, 2020. When we asked the Section Chief for his interpretation of the December 30 email, he said that while it “does not specifically orient [the field] to the collection of...source information,” as a supervisor in the field, he would have read the email as having “action-oriented questions” and immediately would have begun asking questions, such as “Do we have any positive reporting from sources?” and “Are we querying our sources?” Sanborn similarly had

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In addition to compiling the 9-page chronology for the Department, the FBI also prepared separate talking points for FBI senior leaders in connection with congressional briefings in the days and weeks that followed January 6, including for Sanborn for the briefing she and other executives attended with the House of Representatives and the Senate on January 12, 2021. Those talking points included the same inaccurate canvass sentence that was added to the summary overview section of the 9-page document prepared for the Office of the Deputy Attorney General. Consistent with the talking points, Sanborn stated at the briefing that FBI Headquarters "requested field offices canvass their confidential human sources for any reporting regarding the potential for violence at [the electoral certification and Inauguration]."<sup>67</sup>

Further, briefing books prepared for Sanborn's appearance at a hearing in March 2021 before the HSGAC and the Senate Rules Committee, and for the WFO Intelligence SAC's appearance in July 2022 before the House Select Committee included the same inaccurate statement regarding canvassing CHSs as was in the summary overview section of the 9-page document prepared for the Office of the Deputy Attorney General. In prepared remarks for her July 2022 testimony, the WFO Intelligence SAC stated, as described in her briefing binder, that "[field offices] were asked to canvass their confidential human sources for any reporting regarding the potential for violence related to the election or the Inauguration." Further, in response to a question from the Select Committee about the WFO Intelligence Division's primary role in the lead-up to January 6, the WFO Intelligence SAC explained that her personnel were "scouring all open source media" and "we were directing our agents and colleagues in other field offices to canvass their CHSs, their human sources, [for] that type of information."

Finally, in October 2022, the FBI responded in writing to questions posed by HSGAC in connection with its investigation of the events of January 6. The FBI included the following statement in its response to a question about the challenges it faced collecting, analyzing, and distributing intelligence or assessing the potential for violence ahead of January 6:

In the weeks leading up to January 6, the FBI engaged all 56 Field Offices to collect information on threats to the [National Capital Region] and engaged in mitigation activities based on the potential for threat activity. Field Offices were asked to canvass their confidential human sources for any reporting regarding the potential for violence related to the Election or the Inauguration.

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believed, when we interviewed her a few months after January 6, that DTOS sent out a CPM "specifically seeking information as it related to the joint session [i.e., the Electoral Certification] as well as inauguration." In addition, at WFO, the CTD SAC and ASAC believed that a canvass of all field offices had been done.

<sup>67</sup> This statement also appeared in talking points prepared for FBI Director Wray and other senior FBI officials who testified before Congress, although Director Wray did not make any statements to Congress about an FBI canvass of CHSs in any public hearing.

## **Several FBI Field Offices Obtained Intelligence from CHSs Related to January 6, Some of Which Was Not Adequately Shared with WFO or, If Shared, Not Adequately Followed Up On By WFO**

Below we describe several examples of CHS reporting that was obtained by FBI field offices related to January 6 Electoral Certification threats concerning the Proud Boys and the Oath Keepers, both of which had members who were eventually charged with seditious conspiracy, and thereafter we describe several examples representative of information that CHSs reported to their handling FBI field offices about the upcoming January 6 protest that the CHS had observed online. None of this reporting concerned specific plans to attack the Capitol building in connection with the January 6 proceedings. However, it is intelligence information that, if properly shared or acted upon, would have provided WFO with additional information in advance of the January 6 Electoral Certification.

### **I. CHS Reporting about Stewart Rhodes**

Elmer “Stewart” Rhodes is the founder of the Oath Keepers. Rhodes and 10 others were charged by the DC USAO on January 12, 2022, with seditious conspiracy and other federal violations in connection with the events of January 6.<sup>68</sup> According to the charging documents, the government obtained evidence showing that, after then candidate Joe Biden was declared the winner of the November 2020 election, Rhodes and others prepared to use force to prevent the transition of power by January 20, 2021. The indictment also asserted that Rhodes and others coordinated travel to DC, equipped themselves with a variety of weapons, donned combat and tactical gear and “were prepared to answer Rhodes’s call to take up arms at Rhodes’s direction.” The indictment further alleged that, on January 6, after crowd members had forced entry into the Capitol, Rhodes entered the restricted area, directed his followers to meet him at the Capitol, and thereafter, Rhodes’s supporters participated in attacking officers, disarming officers by stealing their shields, and storming into the Capitol. Rhodes was convicted at trial on November 29, 2022, of seditious conspiracy and other federal violations.<sup>69</sup>

The FBI had CHSs in more than one field office who had provided reporting on Rhodes. We describe the reporting prior to the riots on January 6 that was obtained by two of those field offices—Field Office 1 and

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<sup>68</sup> See 18 U.S.C. § 2384, which prohibits two or more people from “conspir[ing] to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof.”

The indictment and sentencing documents are publicly available and therefore we refer to Rhodes by name in this report.

<sup>69</sup> The government filed a superseding indictment against Rhodes and others on June 22, 2022. A number of co-defendants charged in the superseding indictment pleaded guilty in advance of trial. One of Rhodes’s co-defendants also was convicted at trial of seditious conspiracy and other federal offenses, while three co-defendants were acquitted at trial of seditious conspiracy but were convicted on other federal charges.

Field Office 2. Neither the Field Office 1 CHS nor the Field Office 2 CHS traveled to DC for the events of January 6.

#### A. Field Office 1 CHS

In September 2020, Field Office 1 opened a Type 1 & 2 Guardian assessment on Stewart Rhodes based on information reported to NTOC that linked Rhodes to planned violence in retaliation for the death of Aaron "Jay" Danielson, also known as Jay Bishop, a supporter of President Trump who was shot and killed in Portland, Oregon, on August 29, 2020. The assessment was assigned to an experienced DT Special Agent in Field Office 1's Resident Agency (RA) 1.

A Special Agent in a Field Office 1's RA 2 had a CHS who was reporting on Rhodes. The Field Office 1 RA 1 Special Agent told the OIG that the Field Office 1 CHS was "very close to the Oath Keepers and had very good access," and the CHS reporting forms (FD-1023) of the Field Office 1 CHS described the CHS's reporting as "highly sensitive" and "singular."

After the November 2020 election, Rhodes began making numerous public statements regarding a stolen election and referencing violence against politicians and government officials. The FBI opened several Guardians on Rhodes based on information reported to the FBI raising concerns about Rhodes's public statements referencing violence, and these Guardians were all subsumed into Field Office 1's September 2020 assessment. The Field Office 1 RA 1 Special Agent summarized in the FBI file many of Rhodes's public statements that referenced violence. One of the Guardians was opened based on a complainant reporting that Rhodes made statements about "planning an attack on Democrats" and having "sniper spots already picked out" in connection with the MAGA I protests. This Guardian was circulated to the WFO CTD ASAC and SAC. After interviewing the complainant, WFO determined that the complainant had no firsthand knowledge and that the statements about wanting to kill people were made by a commentator interpreting statements Rhodes made during a media interview. The email summarizing the handling of this Guardian stated that during the media interview, Rhodes "did reference having people inside of DC and outside of DC armed and ready to act if the President needed them tomorrow." In response to receiving this information, the CTD SAC wrote that he could not tell if Rhodes was a predicated subject. The CTD ASAC responded that Rhodes "is an open Guardian subject out of [Field Office 1] and has been referenced in multiple Guardians in multiple field offices. We are coordinating with [Field Office 1] and linking the new one with the others."

On November 9, both the Field Office 1 CHS's handling agent and the Field Office 1 RA 1 Special Agent received information from different sources about Rhodes. The Field Office 1 CHS reported plans for Rhodes and the Oath Keepers to participate with other like-minded groups in a "counter rally" in DC over the upcoming weekend and that many planned "to carry concealed [weapons]" while others expressed a desire to "open carry [weapons], even in DC."<sup>70</sup> The Field Office 1 RA 1 Special Agent was contacted that same day

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<sup>70</sup> According to the Field Office 1 RA 1 Special Agent, in the days after January 6 as described in the paragraph below, he determined that this information from the Field Office 1 CHS about Rhodes's comments on November 9 may have been related to a separate complaint that the NTOC received electronically on November 25, 2020. On that date, a complainant reported to NTOC that Rhodes held a conference call on November 9 with certain Oath Keeper members in which "it seemed he was threatening the forceful takeover of the White House if trump [sic] is pushed out," and the complainant stated that he (the complainant) "believe[d] in much of the [Oath Keepers's] agenda," but "a violent

*Continued*

by a different CHS who was being handled by a different field office. According to the CHS who contacted the Field Office 1 RA 1 Special Agent, an identified militia member had recently advised that Rhodes had been recruiting current and former members of the Oath Keepers to form “an armed force which could potentially protect or take back the White House should there be an attempt to remove the current administration.” This CHS also reported that, based on comments Rhodes had made publicly and other comments the CHS had heard from members of the militia community, the CHS believed that “Rhodes anticipates receiving some sort of approval or request from the current administration before he and Oath Keepers would initiate any violent action.”

Both CHSs’ reporting was documented, and the following day, November 10, Field Office 1 sent the information in an email to the WFO DT SSA, WFO Intelligence SIA, and the embedded SOS. The email indicates there was a “discussion” about the reporting and also includes the case file number for Field Office 1’s assessment file on Rhodes.

Also on November 10, 2020, the Oath Keepers published an announcement on their website written by Rhodes stating, “We must all march on Washington DC and directly back-up and defend President Trump as he fights against the ongoing coup that is attempting to steal the election. Start rolling towards DC now!” According to the announcement, the Oath Keepers would be sending “some of [their] most experienced [law enforcement officers] and military combat veterans into DC to help keep patriots safe [on November 14], and in the days to come.” The announcement also included the statement, “All Patriots must march on DC now” and explained the Oath Keepers’ views on how the election had been stolen. Statements also included: “This election was stolen and this is a communist/Deep State coup every bit as corrupt and illegitimate as what is done in third world banana republics. We must refuse to EVER recognize this as a legitimate election, and refuse to recognize Biden as a legitimate winner, and refuse to ever recognize him as President of the United States.” Based on our review of FBI documents, we found that the FBI was aware of the above Oath Keepers’ statements.

In advance of the MAGA I protest on November 14, in addition to the Guardians it received related to Rhodes, WFO received information about Rhodes from other FBI offices. For example, on November 13,

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overthrow of the [White House] is not the right direction.” According to the complainant, he had recorded the meeting and would provide it to the FBI via email, but the complainant refused to be interviewed and the FBI did not obtain the recording at this time. The NTOC notes indicate that the FBI had previously received multiple complaints about Rhodes and based on the complainant’s stated desire not to be interviewed, NTOC did not further disseminate the tip. The FBI had received at least 100 tips regarding Rhodes throughout the previous month, most reporting perceived threats by Rhodes during his media interview, which took place on October 27, 2020.

Days after the events at the Capitol on January 6, the Field Office 1 RA 1 Special Agent said he began searching FBI systems for additional information about Rhodes and located this closed tip. The Field Office 1 RA 1 Special Agent called the complainant and obtained a copy of the approximate 1-hour recording. The complainant testified for the government in the Rhodes criminal trial, and portions of the recording were introduced at trial. The Field Office 1 RA 1 Special Agent told the OIG that, in his view, the information provided by the Field Office 1 CHS to the Field Office 1 handling agent on November 9 very likely came from the November 9 call that was recorded by the attendee who complained to the FBI. According to the Field Office 1 RA 1 Special Agent, after listening to the recording, he determined that there was nothing said on the call that required immediate action because there were generalizations, not specifics, but he said that there was “rhetoric” that if he had known about at the time “would have probably heightened [his] attention.”



2020, an FBI Headquarters CTD IA emailed the SSA serving as the WFO DTOS Program Manager to provide reporting related to “Oath Keepers and other [militia violent extremist] activity in DC this weekend including individuals traveling from several states with guidance to bring heavy duty flashlights, knives, and pepper spray, though some reporting says some plan to conceal or open carry in DC.” The IA’s email stated that “[a]ccording to CHS reporting an ‘armed contingent’ will be near the rally to respond if necessary” and “the Oath Keepers will not be wearing official Oath Keepers gear but will wear some sort of clothing like an arm band so they can identify each other.” This email was forwarded to the WFO CTD SSA and WFO Intelligence SIA.

We found that Field Office 1 also communicated with DTOS and with WFO about Rhodes in early and mid-December. Field Office 1 RA 1 Special Agent told the OIG that Rhodes had left the AOR several months prior, and, according to the Field Office 1 RA 1 Special Agent, for this reason he was concerned about being able to obtain legal process if the case continued within the field office’s AOR. In a December 2 email, the Field Office 1 RA 1 Special Agent outlined facts that he believed could justify opening a full DT case on Rhodes based on the seditious conspiracy statute, but he also listed the reasons that it might not be sufficient to support opening a full case based on the information that had been developed. The Field Office 1 supervisors agreed that a full DT case was appropriate. The Special Agent sent his analysis to the SSA who was the responsible DTOS Program Manager, who forwarded the email to a DTOS Unit Chief (DTOS Unit Chief 2), and the DTOS Unit Chief 2 shared it with DTOS Unit Chief 1, whose territory included WFO. Based upon feedback from DTOS that the FBI lacked sufficient information to open a full investigation, Field Office 1 decided to close the assessment.<sup>71</sup> However, on December 11, Field Office 1 acquired additional reporting on Rhodes that was shared with DTOS and WFO.<sup>72</sup>

On that date, the Field Office 1 CHS reported that Rhodes was flying to DC with an individual. According to the Field Office 1 CHS, the individual would be attending a White House engagement that night, and Rhodes wanted the individual to pass information to then President Trump. The Field Office 1 CHS reported that the information included Rhodes’s opinion that President Trump should invoke the Insurrection Act, declare Martial Law, and use the military to investigate or arrest perceived enemies who tainted the election. In addition, according to the information Rhodes wanted passed, Rhodes intended to offer President Trump the support of Oath Keepers and other militia-related groups to protect President Trump and/or engage in offensive operations and support President Trump should he refuse to leave the White House. According to the Field Office 1 CHS, Rhodes is “convinced a civil war, meaning an armed physical violent struggle, is coming.” Field Office 1 shared this information with Field Office 1’s DTOS Program Manager, as well as the USSS, and provided the following context:

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<sup>71</sup> The Field Office 1 RA 1 Special Agent told the OIG that he was concerned, based upon his extensive knowledge of and history with Rhodes, the recent CHS reporting about Rhodes, and his years of DT experience, that Rhodes was likely going to engage in some kind of violent stand-off with the government at some point. The RA 1 Special Agent, however, said he recognized that Rhodes took efforts to craft his language in such a way that it could be viewed as protected speech. Similarly, DTOS Unit Chief 2 told the OIG that he discussed the case with his Assistant Section Chief and DTOS Unit Chief 1, and their “feeling was that this was more First Amendment than not.” The Field Office 1 RA 1 Special Agent told the OIG that, even if a full investigation had been opened in mid-December, given that Rhodes was not physically in the Field Office’s AOR and the First Amendment concerns, it likely would have been difficult to obtain additional legal process permitted when a full investigation is open.

<sup>72</sup> As of January 6, 2021, the assessment remained open, and on January 21 it was converted into a full investigation.

Montana resident Stewart Rhodes is the Founder/President/CEO of Oath Keepers, a national militia-related organization which claims to have thousands of current/former military and law enforcement members across the US. Since the election, Rhodes has publicly indicated his desire for Oath Keepers and related groups to go operational to assist POTUS in combatting deep state actors and perceived enemies tied to Democrats, China, Antifa, etc. Multiple CHS's [sic] have indicated Rhodes is attempting to get this information directly to POTUS. Rhodes and Oath Keepers have been involved in providing security for recent DC-area protests/marches in support of POTUS.

Emails show that over the next several days Field Office 1, DTOS, WFO, and USSS provided information to each other about the identity of the individual reported by the Field Office 1 CHS and determined that such a person did attend a function at the White House, but the emails and other evidence the OIG reviewed indicate that the information was not passed to President Trump on Rhodes's behalf.

On December 12, Rhodes was in DC for the MAGA II protest that day and was a speaker at the protest known as "the Jericho March." During this speech and in other public interviews during this weekend, as documented by the Field Office 1 RA 1 Special Agent in the Rhodes assessment file, Rhodes made many of the same statements that the Field Office 1 CHS had reported were in the information Rhodes wanted passed to President Trump. Rhodes's speech included the following statements: that President Trump had "an absolute duty to immediately declare Martial Law and invoke the Insurrection Act" and that "[i]f the President does not immediately declare Martial Law and invoke the Insurrection [A]ct, 'we are going to have to do it ourselves,' in a bloody civil war." During his speech, Rhodes did not indicate how and when this violent civil war would begin, but in one interview he stated he and others would refuse to obey laws enforced or passed by a new presidential administration, and this disobedience would lead to violence.

Two days later, on December 14, Rhodes posted an "open letter" to President Trump on the Oath Keepers website. The letter included Rhodes's argument that the President should, among other things, invoke the Insurrection Act and declare martial law to rectify perceived problems with the 2020 election and enemies throughout the government. Rhodes concluded by asserting that if the President refused to take his advice, "we the people will have to fight a bloody revolution/civil war to throw off an illegitimate deep state/Chinese puppet regime." The Field Office 1 RA 1 Special Agent also documented this public letter in the Rhodes assessment file.

On December 15, the Field Office 1 CHS reported to the Field Office 1 Handling Special Agent and the Field Office 1 RA 1 Special Agent that Rhodes intended to travel to DC for the events of January 6. This was the first time the Field Office 4 CHS provided reporting that specifically referenced January 6. According to the FD-1023 documenting this contact, the Field Office 1 CHS reported that Rhodes had been "trying to attract Oath Keepers who are current law enforcement members to travel for events on that day so they can carry concealed firearms legally." In addition, the FD-1023 stated, "Rhodes has made recent public statements suggesting Oath Keepers and the militia can be called up on [sic] to assist the current president to stay in office and resist perceived deep state enemies." The Field Office 1 CHS reported that the CHS "[doesn't know of] specific plans by Rhodes or any of his associates to instigate any acts of violence," but was "very concerned that extremist members of Oath Keepers or other groups may become involved in unplanned violent activity on January 6."

This information, including that Rhodes was planning to travel to DC for January 6, was recorded in Field Office 1 case files on December 22 but was not emailed or otherwise provided to WFO. The Field Office 1 handling agent told the OIG that the Field Office 1 RA 1 Special Agent, as the assessment's case agent, took the lead in communicating with WFO and that she may have sat in on conference calls with WFO, but she did not initiate any contact with WFO.

The Field Office 1 RA 1 Special Agent, who was also present for the contact with the Field Office 1 CHS on December 15, told the OIG that he does not recall why neither he nor the Field Office 1 handling agent had written the FD-1023 source report sooner than December 22. He also told us that before the FD-1023 was written, the Field Office 1 CHS contacted him and said, "I just want to let you know that I was serious when I said you guys need to pay attention to the fact that there is nothing that I know of that is going to happen, but...I am concerned that these 'yahoos' might do something." According to the Field Office 1 RA 1 Special Agent, the Field Office 1 CHS was concerned because the Field Office 1 CHS did not know the people who might travel with Rhodes in connection with January 6, but said that they were all people Rhodes had met within the previous 6 months who "weren't hardcore Oath Keepers members" and instead were "all new people."

The Field Office 1 RA 1 Special Agent told the OIG that even though this source reporting was properly documented and was not "dynamic" information, "this was one where I kick myself every day" for not emailing a copy of the reporting to WFO and DTOS. The Field Office 1 RA 1 Special Agent said that given that Rhodes had been present for the MAGA I and MAGA II election protests and was so visible about his objections to the election results, and given Field Office 1's many communications with DTOS and WFO about Rhodes, he would have expected DTOS and WFO to be made aware that Rhodes was planning to be in DC on January 6.

We determined that the last reporting from the Field Office 1 CHS before January 6 was on January 4 when the Field Office 1 CHS told the Field Office 1 handling agent that the Oath Keepers "contingent headed to DC is 200+ strong." The FD-1023 includes the statement that the "CHS did not have anything more detailed to provide." This reporting also was not provided to WFO or filed in any WFO case file. The Field Office 1 CHS did not travel to DC for the events of January 6.

## **B. Field Office 2 CHS**

Field Office 2 also had a CHS who reported on Rhodes before and after the November 2020 election, although none of the reporting about Rhodes was specific to January 6. The CHS provided more general information about the potential for violence on January 6, but this information was not provided to WFO in advance of January 6. The CHS was opened in June 2020, and the CHS was described by the FBI as, "A collaborative source with excellent access, some of whose reporting has been corroborated for less than one year."

On November 2, 2020, the Field Office 2 CHS reported having met with Rhodes and other identified associates. The CHS reported to the handling agent that Rhodes stated in this meeting that ANTIFA was preparing for an attack on the White House; called for all patriots to come to DC for the anti-protests; and stated that he had two staging areas in Virginia and Pennsylvania. On November 12, the CHS reported that, on the previous day, the CHS had participated in a "national Oath Keepers conference call" to discuss the upcoming protest in DC on November 14. According to the CHS, several state chapters indicated that their

groups planned to attend and other “state chapters were instructed to assemble at their respective state capitols on [November 14] if unable to attend” the protest in DC. The FD-1023 also stated that participants were instructed to bring certain items such as knives and pepper spray and that participants were instructed not to bring firearms but that “an armed contingent will be located near the rally and will respond if necessary.”

Based on this reporting, Field Office 2 drafted a raw intelligence report called an “Intelligence Information Report” (IIR) and disseminated it to all FBI field offices and to certain federal agencies on November 13, 2020.<sup>73</sup> Although this reporting was serialized only to a Field Office 2 case file, because the IIR was disseminated to all field offices, WFO and Field Office 1 received the reporting.

On November 21, 2020, the CHS reported that Rhodes was going to be in Atlanta, Georgia that day for a “Stop the Steal” rally, and the CHS provided additional reporting that Rhodes had informed an identified Oath Keeper that a group chat had been “compromised” but that the group chat was still active.<sup>74</sup> Field Office 2 filed this reporting only in a Field Office 2 case file, and it was therefore not known to WFO. The Field Office 1 RA 1 Special Agent, however, told the OIG that he was in communication with Field Office 2 about their reporting on Rhodes, that he was aware of this November 21 reporting, and that together they were attempting to develop additional CHSs who could report on Rhodes’s whereabouts and his plans.

The CHS reported on January 4, 2021, to the handling agent that a user on a communications platform claimed to be the leader of a group and, according to what was posted on the communications platform, “[the user] had 500 people willing to storm the Capitol Building in Washington, D.C. on January 6th.” The CHS provided another report the following day on January 5 to the handling agent stating that 10 militia members from various militias had announced in a group chat on the communications platform that they would be participating in protests in DC starting January 5, 2021, through the Inauguration, and the CHS provided the FBI those communications. The Field Office 2 CHS did not travel to DC for the events of January 6.

The FD-1023s documenting these two contacts were filed in Field Office 2 case files but not in any WFO file. On January 7, Field Office 2 emailed to WFO the January 5 reporting about militia members planning to go to DC.

## II. CHS Reporting on the Proud Boys

Enrique Tarrío and several other members of the Proud Boys were charged and convicted on May 4, 2023, of seditious conspiracy and other federal violations in connections with the events of January 6. According to the indictment, Tarrío and other members of the Proud Boys attended the December 12 election protest in DC. The indictment also states that in December 2020 Tarrío and a handful of other Proud Boys created a

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<sup>73</sup> The IIR that was disseminated did not identify the Oath Keepers or Rhodes. The Oath Keepers were referred to as “an identified U.S. militia group.” We discuss raw intelligence reports in section VI.D. below.

<sup>74</sup> The CHS also provided reporting on plans for the MAGA II protest on December 12, 2020, with respect to an identified online group chat which reportedly communicated on the communications platform. The reporting included members of the group in Texas asserting that they had been attacked by ANTIFA and a reference to an alleged murder at a hotel in DC on December 11 that “will fuel the protest on the left and the right.”

chapter of the group that was referred to as “the Ministry of Self Defense” that obtained paramilitary gear and supplies and engaged in meetings and encrypted communications in DC in the days leading up to and on the morning of January 6 “to plan for the attack.”

The FBI had several CHSs who reported on various chapters or members of the Proud Boys in the lead-up to the January 6th Electoral Certification, one of whom was in contact with Tarrío in DC on the evening of January 5 and one of whom reported on another senior Proud Boys leader in advance of January 6. We describe four of those CHSs below.

#### **A. Field Office 3 CHS**

Field Office 3 had a CHS who is described in an FBI document as “an active member of the Proud Boys,” who “has traveled throughout the United States to take part in various Proud Boys related rallies.” The CHS is also described in the FBI document as a CHS who “maintains associations with numerous predicated subjects throughout the United States.”

On December 11, 2020, this Field Office 3 CHS traveled to DC on the CHS’s own initiative to attend the MAGA II election protest on December 12. The CHS informed the Field Office 3 TFO who was assigned to the CHS about the planned travel. Even though the CHS was not tasked to travel, the Field Office 3 TFO emailed the WFO DT SSA who served as the DT squad supervisor to inform him of the CHS’s planned travel, including dates of travel and where the CHS would be staying, and to obtain WFO’s concurrence with the travel, which they received.

On December 29, 2020, the Field Office 3 CHS had contact again with the TFO, and this contact was also reported in an FD-1023. According to this FD-1023, the Field Office 3 CHS reported to the TFO handler that the CHS “will be going” to DC for January 6 “along with approximately 100 Proud Boys members to include Enrique (Proud Boys National President) and ‘Tiny’ a well known Proud Boys member and a target of ANTIFA.” In addition, the CHS reported that the Proud Boys “will not be flying colors or wearing black and yellow clothing” and they were planning to stay near the Capitol, although exactly where had not yet been determined. According to the FD-1023 about this source contact:

CHS also reports that members of the Proud Boys and other right-wing groups are beginning to lose faith in Law Enforcement due to the lack of enforcement of violent acts that are being committed by other left-wing groups. CHS is worried that something big or an uprising by these right-wing groups may be eminent [sic].

The FD-1023 was prepared by the TFO handler and approved by the SSA on the date of contact (December 29) and was initially filed only in a Field Office 3 case file.

On January 4, 2021, another FD-1023 with the exact same reporting, including that the CHS was traveling to DC on January 6 “along with 100 Proud Boys members to include Enrique (Proud Boys National President),” was prepared by the TFO handler and filed in WFO’s Inauguration Type 3 assessment file.

The CHS self-initiated travel to DC for the events of January 6 and was one of the CHSs who informed their handling agent in advance of their planned travel. After Field Office 3 was made aware of the CHS’s self-initiated travel, Field Office 3 did not task the CHS in connection with the travel. The CHS was not authorized

to enter the Capitol or a restricted area, or to otherwise break the law on January 6, 2021, nor was the CHS directed by the FBI to encourage others to commit illegal acts on January 6, 2021. Field Office 3 did not inform WFO of the CHS's travel plans. During the events of January 6, the CHS did not enter the Capitol or a restricted area.

The Field Office 3 CHS did not provide any additional reporting until after January 6. During the course of the FBI's January 6 investigation, the FBI learned that on the night of January 5 the CHS was in contact with Tarrío and reported on a meeting with Tarrío and Rhodes, which became a subject matter of the Tarrío prosecution.<sup>75</sup> Documents we reviewed showed that the CHS did not contemporaneously report this information to the FBI.

## **B. Field Office 4 CHS**

Field Office 4 had a CHS who is described in FBI documents as "well placed with excellent access" in the RMVE and AGAAVE movements. The CHS provided reporting to Field Office 4 on a Proud Boys member who was closely associated with Tarrío, and the CHS traveled on the CHS's own initiative to DC for the January 6 Electoral Certification. The CHS's reporting on the MAGA II protest was filed by Field Office 4 in WFO's case files, while the CHS's reporting on the Electoral Certification was not. In addition, while the CHS informed Field Office 4 in advance of the self-initiated travel to DC for the January 6 events, Field Office 4 did not report to WFO the CHS's planned travel to DC.

On December 14, the Field Office 4 CHS provided detailed reporting on Proud Boys-related violence at the MAGA II protest on December 12. The CHS also provided information about an individual the CHS identified as a member of an identified Proud Boys chapter and a "senior leader." Field Office 4 documented this reporting in a WFO assessment file as well as Field Office 4 case files.

On January 4, 2021, the Field Office 4 CHS reported that 35 to 45 members of an identified Proud Boys chapter were planning to attend a protest event in DC on January 6. The CHS further reported that a Proud Boys member told the group that they had three donated hotel rooms and identified the hotel in DC. The FD-1023 stated that there have been "no specific discussions of weapons or planned violence." According to the FD-1023, the CHS also reported that a private communications group on a communications platform, was set up for the protest. The private group instructed users that they "will face the full force of their defense and attacks which could lead to death...we will be the heavy weight line and shield wall breakers to allow our main forces in." The handling agent documented the reporting in Field Office 4 files, but did not contact WFO and took no additional action.

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<sup>75</sup> According to a court filing in the criminal prosecution of Tarrío in connection with the events of January 6:

Tarrío was released at approximately 5[00] p.m. on January 5, after having been ordered to leave the District of Columbia. Tarrío did not immediately comply with the order. Instead, he travelled to an underground parking garage, located in downtown Washington, D.C., where for approximately 30 minutes he met with a group of individuals that included Elmer Stewart Rhodes III, the founder and leader of the Oath Keepers. A documentary film crew was present in the garage and, at one point, picked up audio of a person referencing the Capitol. While in the parking garage, Tarrío told another individual that he had cleared all of the messages on his phone before he was arrested. Tarrío further stated that no one would be able to get into his phone because there were 'two steps' to get into it.

According to evidence we reviewed, on January 4 the Field Office 4 CHS also told the CHS's handling agent that the CHS planned to travel to DC for January 6 with three other people whom the CHS identified as Proud Boys of an identified chapter. The CHS was not tasked by the handling agent. The CHS was not authorized to enter the Capitol or a restricted area, or to otherwise break the law on January 6, nor was the CHS directed by the FBI to encourage others to commit illegal acts on January 6.

We found no evidence that WFO was notified that the Field Office 4 CHS was traveling to DC for the events of January 6. On January 6 after the rioting started, the Field Office 4 CHS attempted to contact the CHS's handler four times. Evidence we reviewed showed that the Field Office 4 CHS entered the Capitol. The OIG reviewed records indicating that, after January 6, Field Office 4 provided information from this CHS, including cell phone video from the Capitol, to WFO. After reviewing this information, WFO asked Field Office 4 to task the CHS with returning to DC for the Inauguration. The OIG reviewed additional records indicating that the CHS was reimbursed for the CHS's travel on January 6 and for the Inauguration, even though the CHS was only tasked with attending the Inauguration and not the electoral certification on January 6.

### C. Field Office 5 CHS

Field Office 5 had a long-term CHS who primarily, but not exclusively, reported information that the CHS saw online. This CHS reported on many different groups, including the Proud Boys. After the CHS reported to the CHS's handling agent that the CHS planned to travel to DC for the events of January 6 with a group of Proud Boys members, the CHS was tasked with reporting on two DT case subjects from another field office who were planning on traveling to DC. This CHS told the handling agent that the CHS was not aware of any planned violence in connection with January 6.

According to the CHS's records, the CHS was "a collaborative source" whose reporting had been corroborated for over 10 years, and the handling agent told the OIG that the CHS was involved with "lots" of different groups. The handling agent described the CHS as someone who "spent a lot of time on [an identified communications platform]" and other online platforms. According to the handling agent, in November 2020, the CHS traveled to DC on the CHS's own initiative for the MAGA I election protest.

According to the handling agent, an FBI Headquarters unit determined that the CHS had contact with a Field Office 3 DT case subject. Based on coordination with DTOS, on December 16, 2020, the CHS was tasked to obtain information about two DT case subjects who were both members of a group—one DT subject from Field Office 3 and the other DT subject from Field Office 17. This tasking was not specific to January 6.

On December 21, the CHS provided the handling agent with screenshots of several posts from an anonymous board on a communications platform showing that many individuals were "calling for a civil war on [January 6]." According to the FD-1023, one post stated:

[A] bunch of Trump supporters are bringing guns to DC on the 6th. A major shitstorm is bound to ensue between DC police and thousands of unlawfully carrying Trump supporters. How will this play out?

According to the CHS, "Normal conservatives are talking about conceal carrying at the rally, and that it is needed to save America." The FD-1023 also states, "CHS stated the rally in Washington DC on January 6th

should be a concern.” According to the handling agent, the CHS’s reported concern about January 6 was based on what the CHS was seeing online. This reporting was filed in a Field Office 5 assessment file but was not provided to WFO. The handling agent told the OIG that he did not file this reporting in any WFO file because the online posts were anonymous, not specific, and speculative and therefore was not actionable. He said that if he had emailed WFO this information, he would have been asked why he was providing vague and speculative information that could not be actioned. The handling agent’s testimony was consistent with what witnesses told the OIG was the reason for the December 30 email to the field about reporting—WFO was receiving general threat reporting that could not be acted upon and did not want field offices to send that kind of information to WFO.

On December 29, the CHS reported that an identified Proud Boys chapter was bringing a group of its members to DC for the January 6 Electoral Certification. The FD-1023 also included the text of a message that was sent by the president of the Proud Boys chapter. The message emphasized that “[o]ur role at rallies is supposed to be defense only” but also stated that other identified groups would be attending and “conflict is almost certain.” The message stated that chapter funds would not be used to bail out anyone who was arrested and that members were expected “to be living inside the laws.” In addition, according to the FD-1023, the message stated, “DC chapter has asked us not to wear polos or black and yellow” and that members should “[h]onor their request.” This reporting was filed in a Field Office 5 assessment file but was not provided to WFO.

According to the handling agent, the CHS decided, on the CHS’s own initiative, to travel to DC for the events of January 6 and informed the handling agent of the CHS’s plans. Based on the CHS’s reporting, the handling agent believed that the CHS was planning to go to DC to participate in First Amendment activity, and the handling agent therefore did not initially report the CHS’s planned travel to WFO.

However, in early January, Field Office 3 and Field Office 17 determined that their DT case subjects might travel to DC for January 6, and they coordinated with the handling agent for the Field Office 5 CHS to provide any reporting about those two DT case subjects while the CHS was in DC. The handling agent provided WFO with an email summarizing the plans for the CHS, including that the CHS planned to go to DC on the CHS’s own initiative, had contacted the two subjects but had not heard back, and was in contact with a third case subject from Field Office 4 who was also a member of the same group and was planning to be in DC on January 6. According to the handling agent’s email, the CHS described all three case subjects as “senior” members of the group. WFO concurred with the CHS’s travel to DC. The CHS was not authorized to enter the Capitol or a restricted area, or to otherwise break the law on January 6, nor was the CHS directed by the FBI to encourage others to commit illegal acts on January 6.

On January 5, in response to the arrest of Proud Boys leader Enrique Tarrio, a Field Office 5 analyst on his own initiative issued an RFC and requested that the handling agent ask the CHS four specific questions related to potential violence in response to Tarrio’s arrest and potential violence on January 6. The CHS reported that there were no plans for violence in response to the Tarrio arrest and that the only violence on January 6 would be in self-defense from an identified group. The CHS also stated that rally participants were using certain identified communications platforms to avoid “leftist group detection,” not law enforcement. This reporting was not serialized in any WFO assessment nor provided to WFO. Both the handling agent and the analyst told the OIG that there was no reason to provide the information to WFO because the CHS provided negative reporting.



The documents we reviewed showed that the CHS entered the Capitol on January 6.

#### **D. Field Office 6 CHS**

Field Office 6 had a CHS who was described by their handling agent as “a long-term source” and who reported on multiple militia groups in the CHS’s state. The CHS informed the handling agent in advance that the CHS would be attending the protest in DC on January 6 with Proud Boys from Field Office 6’s AOR. This information was included in Field Office 6 case files but was not reported in any WFO file, and we did not find evidence that this information was provided to WFO.

On December 26, 2020, the CHS told the handling agent that “[Field Office 6]-area Proud Boys and militia members have expressed interest in travelling to Washington, DC on 01/06/2021 to attend a rally in support of POTUS TRUMP on the day that the Electoral College votes from the 2020 election are expected to be certified.” The FD-1023 from this reporting also states that the CHS “did not have specific names of attendees but will contact handler if CHS is able to determine specifically who is going.” The CHS informed the handling agent that the CHS intended, on the CHS’s own initiative, to travel to DC for January 6; however, the handling agent did not include this information in the FD-1023. The FD-1023 was dated December 29, 2020, and filed in two Field Office 6 case files, but the handling agent did not provide this information to WFO, nor did the handling agent inform WFO that the CHS was planning to travel.

On January 1, 2021, the CHS again told the handling agent that the CHS would soon be attending the rally in DC on January 6 and in response, the handling agent admonished the CHS not to engage in illegal or violent activity while attending the rally. The handling agent did not task the CHS to perform any activity for the FBI while attending the rally. The handling agent told us that he recalled that his supervisor had made a call to someone at WFO prior to January 6, to inform that person that the CHS would be traveling on the CHS’s own initiative to attend the protest and was available for tasking, and that his supervisor was advised that WFO had no tasking for the CHS. However, phone records we reviewed only show a call on the afternoon of January 6 from the handling agent’s supervisor to WFO, which we describe in the next paragraph.

We determined that, on January 6, while attending the protest, the CHS contacted the handling agent on multiple occasions to report on criminal activities occurring at or near the Capitol, such as the firing of a gun, the entry by persons into restricted areas at or near the Capitol, and the theft of a computer hard drive from inside the Capitol building. In addition, the CHS provided photographs and videos to the handling agent documenting the illegal activity.

Late in the afternoon on January 6 after the breach, a Field Office 6 supervisor emailed the WFO DT squad SSA and the Acting SSA informing them that, per his voicemail message, “[Field Office 6] has an untasked CHS in D.C. who is providing the handling agent reporting from the vicinity of the Capitol Building.” The documents we reviewed showed that the CHS did not enter the restricted area or the Capitol on January 6.

### **III. Examples of CHS Online Threat Reporting Related to the January 6 Electoral Certification**

Below we describe several examples that are representative of information that CHSs reported to their handling FBI Field Offices about the upcoming January 6 protest that the CHS had observed online. The

handling field offices properly documented these contacts in FD-1023s but did not in all instances file the information in a WFO case file. None of these CHSs traveled to DC for the events of January 6.

#### **A. Field Office 7 CHS**

Field Office 7 had a CHS who reported concerning online posts about the upcoming January 6 Electoral Certification, some of which were posted by a subject of a Field Office 3 DT case (a different Field Office 3 DT subject than the one referenced above), that included expressing a desire to conduct an attack on DC on January 6. This information was provided to Field Office 3 but not to WFO.

According to a December 14, 2020 FD-1023, the CHS provided multiple screenshots of online posts in which users were posting angry rhetoric about the election results and referenced Social Media Platform 1 "blowing up" over a Supreme Court decision electing not to hear an election challenge lawsuit. The CHS described the postings and reported being "concerned" and stating that many users "were saying that the only option left is violence."

On December 28, 2020, the CHS reported that a specific user on Social Media Platform 1 posted statements indicating "his desire to conduct an attack in the District of Columbia during a 'far-right' rally on January 6, 2021." According to the FD-1023, the CHS also "expressed concern over the safety of members of congress [sic] next week" and indicated that the CHS was "concerned about like minded individuals taking a page from the Nazis 1933 playbook and trying to prevent members from attending the session to confirm the Electoral College results." Because it was determined that the user was a Field Office 3 DT case subject, Field Office 7 filed this information in both Field Office 7's and Field Office 3's case files. This information was not, however, provided to WFO. Then Field Office 7 DT SSA told the OIG that he thought that the case agent filed the information appropriately because Field Office 3 would have been better positioned to determine whether the reported information was of intelligence value or whether the information was "bluster" from the subject.

On December 30, 2020, the CHS reported to the handling agent information about a Social Media Platform 1 user advocating bringing firearms and body armor "for what's going to go down in DC and other places."

The CHS reported on January 5, 2021, that some users on Social Media Platform 1 were "wound up" about the arrest of Proud Boys leader Enrique Tarrio. As part of the same reporting, the CHS noted that two Social Media Platform 1 users had made statements about burning buildings in DC, including MPD police stations. The handling agent documented the above information but did not provide the information to WFO prior to January 6. Starting on January 6, after the breach of the Capitol and in response to the TSIN issued by WFO during the evening of January 6 for information about the violence at the Capitol, the handling agent began to put the CHS's January 6-related reporting into a WFO assessment file.

#### **B. Field Office 8 CHS**

Field Office 8 had a CHS who provided screenshots of online posts from December 23 to December 30. A December 26 post on Social Media Platform 2 called for militia members to take action on January 6 by arresting corrupt members of government who interfered with the election as "enemy combatants" and map out offensive strategies. The post also stated that this was war and people would die on all sides.

Another post stated a person planned to arrive in Arlington, Virginia a couple days before January 6 to strategize with militia group leaders on communication plans, maps, and posting.

On January 5, Field Office 8 serialized an FD-1023 documenting this reporting into WFO's Inauguration Type 3 assessment file.

### **C. Field Office 9 CHS**

Field Office 9 had a CHS who reported on December 23, 2020, that the CHS had access to several online forums where militia groups and others were stating their intent of going to the January 6 protests. The CHS reported that some of the posts included statements such as "burn it down" and "we are already in a civil war" and that other postings were warnings to law enforcement officers to disregard their orders and decide to fight with the militia and make "the right decision." The CHS "assessed that this statement was representative of an increasingly anti-Law Enforcement sentiment within Militia groups talking" about the January 6 protests.

Field Office 9 documented the above information in its files but did not provide the information to WFO prior to January 6. Starting on January 6, after the breach of the Capitol and in response to the TSIN issued by WFO on the evening of January 6 for information about the violence at the Capitol, the handling agent began to put the CHS's January 6-related reporting into a WFO assessment file.

### **D. Field Office 10 CHS**

Field Office 10 had a CHS who reported on December 28, 2020, that a poster on what the CHS described as a "far-right internet platform," stated that if individuals were going to January 6, they should take supplies to include food, ammunition, warm clothes, tents and that they may have to occupy the city. The CHS reported that no specific threats were made but that someone posted a meme about blowing up a federal building.

Field Office 10 documented the above information in its files but did not provide the information to WFO prior to January 6. Starting on January 6, after the breach of the Capitol and in response to the TSIN issued by WFO on the evening of January 6 for information about the violence at the Capitol, the handling agent began to put the CHS's January 6-related reporting into a WFO assessment file.

### **E. Field Office 11 CHS**

Field Office 11 had a CHS who reported on January 5, 2021, that a person posting on a "Boogaloo chat group" asked whether people wanted to form a quick reaction force for the January 6 rally. The CHS also expressed concern about possible violence between the Proud Boys and the Boogaloo Bois.

Field Office 11 documented the above information in its files but did not provide the information to WFO prior to January 6.

### **F. Field Office 12 CHS**

Field Office 12 had a CHS who reported on December 20, 2020, that militia groups were claiming on a variety of social media applications that President Trump wanted them to be in DC on January 6 to help

“clear the swamp.” The CHS stated that some people were claiming that they would be armed and “storm the Capitol.”

On December 21, Field Office 12 serialized an FD-1023 documenting this reporting into WFO’s Inauguration Type 3 assessment file.

On December 30, the CHS reported that many racially-motivated extremist groups were posting on Social Media Platform 1 about starting fights and trying to storm various government buildings in DC on January 6. The CHS also reported that the Proud Boys were claiming that a large number of Proud Boys would be in DC and would be “incognito.”

Field Office 12 documented this reporting in its files but did not provide the information to WFO prior to January 6, 2021.

### **G. Field Office 13 CHS**

Field Office 13 had a CHS who reported on January 3, 2021, that a Social Media Platform 1 user posted radio codes and frequencies used by the FBI, DC Metro Police and Fire, Federal Protective Services, and the USCP. The CHS also reported Social Media Platform 1 postings discussing the use of bayonets against police officer lines during large gatherings to disrupt and defeat police counter protests lines.

On January 6 at 2:38 p.m., after the breach of the Capitol, Field Office 13 emailed the reporting to DTOS.

### **H. Field Office 14 CHS**

Field Office 14 had a CHS who reported on December 22, 2020, about threats posted on the website theDonald.win, which was described as containing a social media platform “for members of ‘The Donald Army’ to post content.” According to the FD-1023, the CHS reported that, “while conducting un-tasked open source research,” the CHS identified posts on the website that called for a large protest at the U.S. Capitol on January 6th and that provided links for each individual state to form caravans and coordinate travel on specific routes with pre-planned stops to DC. The CHS provided the username of the person who organized a chapter and posted specifics for a convoy to depart from a city on January 6 at 5:00 a.m. with directions to bring specific items and “all necessary tools for the task at hand.” In addition, the FD-1023 included posts from the comments section of the website, including statements such as “Bring your guns. It’s now or never,” “Burning down the house!,” and “Might as well erase the second amendment if we aren’t willing to stand up now.”

The Field Office 14 did not file this FD-1023 in any WFO case file.

## **IV. Two FBI Field Offices Broadly Disseminated Raw Intelligence Reports on January 5 Based on CHS Threat Information**

We found that on January 5, 2021, two FBI field offices—New Orleans, Louisiana and Norfolk, Virginia—provided not only WFO but also other FBI field offices and other federal and state law enforcement agencies information that those two field offices obtained about threats related to the January 6 Electoral

Certification. Both of those field offices, after coordinating and sharing the information with WFO, disseminated the information via what are called “raw intelligence reports.”

According to the FBI’s Intelligence Program Policy Guide (IPPG), raw intelligence reports are “the FBI’s mechanism for sharing intelligence or data that has not been finally evaluated.” The FBI’s Raw Intelligence Manual provides that the sharing of raw intelligence “enables individuals performing an analytical function to discern patterns or generate hypotheses not previously evident.”

FBI raw intelligence reports must meet intelligence production standards established by the Directorate of Intelligence.

Two kinds of raw intelligence reports are relevant here—the IIR and the Situational Information Report (SIR). An IIR is the FBI’s “primary document used to share raw, noncompartmented intelligence information gathered by FBI intelligence collectors” outside the FBI. IIRs are disseminated to members of the U.S. Intelligence Community, within the FBI, and to some federal law enforcement partners. A SIR is “the FBI’s primary document used to share FBI-gathered raw intelligence information with state, local, and tribal law enforcement partners.” According to the SIR Manual, “Field offices write SIRs to share information that is of impact within their areas of operation.” The SIR Manual also states that “threat information” is “not appropriate for inclusion in SIRs” and provides an example of threat information as “[a] plan by a domestic terrorist organization to plant an explosive device at a local court house.”

FBI New Orleans produced an IIR on January 5 and disseminated it in the early afternoon. Also on January 5, FBI Norfolk produced a SIR and disseminated it that evening.

### **A. New Orleans IIR**

Between November and early January, FBI New Orleans received information from a source that protesters were planning to create a “quick reaction force” (QRF) in Northern Virginia for the January 6 protests in order to be armed and prepared to respond to violence that day in DC, if necessary.

FBI New Orleans provided this information to WFO and disseminated it to members of the Intelligence Community and some federal law enforcement agencies on January 5. We did not find evidence that this information was provided to all potentially impacted law enforcement agencies such as Northern Virginia Departments.

The New Orleans IIR was based on information reported by an FBI New Orleans CHS over several interactions in November, December, and January.<sup>76</sup> On November 22, 2020, the CHS informed the CHS’s handling agent that there would be “another protest” in DC in early January 2021 and that there was a

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<sup>76</sup> According to records in the CHS’s file, this CHS’s information had not been corroborated in the year prior to January 6. However, the CHS had been tested by the FBI for reliability and had passed the test. This test was designed to determine if the CHS would provide accurate information to the FBI after receipt of such information.

recruitment drive to generate a QRF that would be able to respond from Virginia to the event. However, the CHS did not provide further information about the QRF.

On December 29, 2020, the handling agent met with the CHS and thereafter drafted three FD-1023s summarizing the information provided by the CHS.<sup>77</sup> In one FD-1023, the handling agent wrote that the CHS reported that on January 6 there would be “a protest against the Electoral College certification” and about plans for “an armed” QRF that “was being established in Northern Virginia” in order “to respond to violent events in DC, if the protesters believe the police aren’t doing their job.” During this meeting with the CHS, according to the FD-1023, the CHS specified that the QRF would be “about 80 people” plus a group of militia. The FD-1023 also indicated that the CHS told the handling agent that planning for the event was occurring in a chat group on an identified communications platform.

In the second FD-1023 documenting contact with the source on December 29, the handling agent wrote that the CHS reported about the CHS’s travel to DC for “rallies” on December 12 (the MAGA II protest), the location where the CHS and others stayed for that trip, and that “all the people [the CHS] stayed with had concealed weapons of some kind,” but that the protests “were mostly peaceful,” although two Proud Boys were stabbed. This FD-1023 also stated that “the source believes that upcoming protests will be more violent than [the MAGA II protests on] December 12th.”<sup>78</sup>

In the third FD-1023 documenting contact with the source on December 29, the handling agent wrote that the CHS reported having certain access to communications involving the Proud Boys. However, this information was not included in the New Orleans IIR.<sup>79</sup>

On January 3, 2021, the CHS provided the handling agent additional information about the QRF that was planned for the January 6 protests, including that the QRF was planning to be in “the [identified location in Northern Virginia]” and that “participants are aware of the prohibition on firearms in Washington D.C., so they intend to establish an armed presence outside the city to respond to calls for help.” The FD-1023 also indicated that according to the CHS, a militia leader identified by the CHS communicated that people should bring specific items, including mace and body armor to the DC area in connection with January 6.

The next day, January 4, the handling agent emailed the WFO DT squad SSA seeking concurrence from WFO to have the CHS travel to the WFO AOR in connection with the January 6 protests so the CHS could report information on two Field Office 3 DT subjects who were also traveling to DC for the January 6 protests. In that email, the handling agent also summarized the CHS’s previous reporting on the planned QRF to support participants in the January 6 protests. The handling agent’s email was forwarded within minutes to the WFO CTD ASAC, who quickly approved the handling agent’s request for the CHS to travel to DC. That same day,

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<sup>77</sup> We asked the handling agent why he prepared multiple FD-1023s, and he said it is unlikely that he met with the CHS more than once that day and that he probably wrote multiple FD-1023s because he considered the subject matters of each one to be different.

<sup>78</sup> The CHS was previously tasked to travel, with the approval of WFO, to the MAGA II protest to support a Field Office 3 predicated investigation. The CHS subsequently attended the MAGA II protest.

<sup>79</sup> The third FD-1023 CHS was not electronically filed by the handling agent until January 13, 2021, 5 business days beyond what FBI policy requires regarding CHS reporting. See CHSPG 1116PG, 10/30/2020, § 16.1.9. We asked the handling agent why the FD-1023 was not serialized in a timely matter, and he said he did not recall.

after receiving WFO's concurrence, FBI New Orleans tasked the CHS to travel to DC in connection with the January 6 Electoral Certification. In addition, also on January 4, the New Orleans IA emailed the WFO Intelligence SIA to inform her about the CHS's reporting about the QRF.

On January 5, the New Orleans IA drafted the IIR. It contained a summary of the CHS's reporting in two different paragraphs and in the first paragraph included that "[a]s of December 2020, unidentified [U.S. persons] established a 'Quick Reaction Force' (QRF) in Northern Virginia;" that "[t]he purpose of the QRF was to respond to violent events...during a planned protest against the Electoral College certification;" that the QRF "planned to respond to events if the protesters believed the police were not doing their job;" and that "[a]pproximately 80 people" were in the QRF as well as unidentified people associated "with an identified Virginia militia group." The second paragraph stated that "[a]s of January 2021, the participants of the 'Stop the Steal' protest on [January 6]...established the QRF in the Rosslyn, Virginia, area;" that an identified person who led the Virginia militia group communicated that people should bring certain items, such as mace and body armor; and that "[p]articipants were aware of the prohibition on firearms in [DC], so they planned to establish an armed presence outside the city to respond to 'calls for help'."<sup>80</sup> Finally, the IIR stated that unidentified people "planned to respond" to January 6 through an identified communications platform.<sup>81</sup>

The IIR did not include the statement in the FD-1023 that the CHS "believes that upcoming protests will be more violent than [the protests on] December 12th."<sup>82</sup> The CHS's handling agent told us that he did not know why the information was not included in the IIR and noted that the information was just the CHS's opinion.<sup>83</sup> The New Orleans IA who drafted the IIR told the OIG that this piece of information about the CHS believing that the upcoming protests would be more violent "probably should have been or could have been included" but could not explain why it was not.

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<sup>80</sup> The language in the IIR was not completely consistent with the two FD-1023s that the IIR was based on. Although the IIR states that a QRF "had been established," the first FD-1023 stated "a quick reaction force was being established," and the second FD-1023 said, "intend to establish an armed presence" and "are establishing a QRF."

<sup>81</sup> According to court filings in the Rhodes January 6 criminal trial, Rhodes was alleged to have "orchestrated what he termed a Quick Reaction Force ('QRF') in support of the events at the Capitol on January 6, and members of several QRF teams were "equipped with an extensive arsenal of weaponry" and stationed at a hotel in Arlington, VA on January 6. See *United States v. Rhodes*, No. 4:22-MJ-11-KPJ (D.D.C. Jan. 26, 2022) (Memorandum Opinion and Order of Detention). The CHS did not specifically reference the Oath Keepers in the CHS's reporting on the QRF.

<sup>82</sup> According to FBI documents, the CHS had good placement and access to groups that were involved in the riot at the Capitol on January 6, 2021, and there was a statement in the IIR that the source was "[a] collaborative source with good access" and that "[t]he source received the reported information via excellent access." An email from the handling agent to WFO sent on January 4, 2021, included a description of the CHS's placement and access as, "The CHS has access to high ranking members of the Proud boys...and has traveled throughout the United States to take part in various Proud Boy related rallies. The CHS maintains associations with numerous predicated subjects throughout the United States." When we asked why the IIR did not include more specific information about the source's placement given that it might have further strengthened the credibility of the source's statement about the concern for violence and the QRF, the FBI New Orleans IA who drafted the IIR told us that the CHS's specific access and placement was not included in the IIR because it could have revealed the source's identity.

<sup>83</sup> The handling agent told the OIG he could not recall why the CHS believed that violence would increase at future protests.

After coordinating with WFO, on January 5 at 1:57 p.m., FBI New Orleans released the IIR to all field offices in the FBI and to ATF, DOJ, DHS, the State Department, and the National Security Agency. In addition, on the night of January 5, 2021, the New Orleans IIR information was briefed at the WFO command post. The next morning on January 6, the QRF IIR information was included in the national command post SITREP and was widely distributed in the FBI.

Although FBI New Orleans shared the QRF information with WFO in their January 4 email seeking approval for the CHS to travel to DC, we did not find evidence that WFO took any action on the information. We did not see, for example, any indication that the FBI informed a Northern Virginia police department prior to the riot about the QRF reporting, including a detective from that police department embedded as a TFO in the WFO JTTF and assigned to a WFO CT squad that addressed the Homegrown Violent Extremism threat.

We asked the WFO DT squad Acting SSA why no further action was taken regarding the New Orleans QRF information, and he said that there was nothing actionable or immediately concerning about it. He explained that the IIR did not specifically mention firearms and may have been bogus reporting, as it was uncorroborated.<sup>84</sup> He also noted that he had limited resources at his disposal and could not immediately prioritize some of the reporting that was received.

We also asked D'Antuono and the WFO CTD ASAC whether any additional actions should have been taken by WFO regarding the New Orleans IIR. They both told us that, at a minimum, a Guardian should have been opened, and the ADIC added that the FBI could have checked hotels in the identified Northern Virginia location to find further information about whether a QRF was staging there.

On January 5, shortly after release of the IIR, a DHS employee who had received the IIR requested permission from WFO to release the IIR to the DC National Capital Region Threat Intelligence Consortium (NTIC).<sup>85</sup> This led to numerous emails between FBI law enforcement liaison personnel from FBI Headquarters and WFO on January 5 and 6, concerning the request and whether the FBI could permit DHS to release the IIR. The matter was still not resolved as of the time the riot developed at the Capitol on January 6. However, a second DHS employee who received the IIR passed it along to NTIC in the afternoon of January 5, 2021, without coordinating with the FBI liaison employees. An involved FBI supervisor explained the delay in releasing the IIR to NTIC by stating that "there's confusion about the process for sharing disseminated IIRs with people who were not specifically named" on the IIR. In addition, because NTIC is not considered a law enforcement agency, some witnesses were concerned that it would not be appropriate to share the information with NTIC.

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<sup>84</sup> The handling agent told us that the word "armed" in one of the FD-1023s that formed the basis of the IIR was meant to indicate that the members of the QRF possessed firearms.

<sup>85</sup> According to its website, NTIC is based in DC's Homeland Security and Emergency Management Agency, operates 24 hours a day, 7 days a week, and serves as the National Capital Region's primary fusion center. NTIC "works in partnership with fusion centers in Maryland and Virginia, as well as the federal government, to conduct regional analysis and share information on terrorism, crime, and natural hazards."



## B. Norfolk SIR

Within a week of January 6, multiple news outlets reported that, on January 5, the FBI's Norfolk Field Office had issued a warning that extremists were preparing to travel to DC to commit violence at the Capitol.<sup>86</sup> The FBI document referenced in the articles became known as "the Norfolk SIR" and received significant media attention and was the subject of several congressional hearings, given the concern that this document suggested that the FBI had in its possession the evening before January 6 information that violence at the Capitol was planned, and questions were raised about whether it had been shared with other law enforcement agencies.

The Norfolk SIR was based on online information that a field office had collected between January 2 and 5 and reported to the CHS's Norfolk handling agent.<sup>87</sup> The CHS reporting included screenshots of posts from online websites with language calling for violence to begin in DC on January 6, 2021, in response to "unlawful lockdowns" and the following phrases: "Be ready to fight. Congress needs to hear glass breaking, doors being kicked in;" "Go there ready for war;" and "We get our President or we die." The CHS also provided screenshots of what appeared to be a flyer identifying rally points and routes—drawn in different colors—for several "MAGA\_CAVALRY" caravans to travel to DC for the "StopTheSteal" protest and a map of the Capitol grounds with references to forming a perimeter around the Capitol and the location of the Capitol's access tunnels. The CHS's handling agent completed an FD-1023 describing the information contained in the posts around midday on January 5.<sup>88</sup>

Most of the posts that the CHS provided to the handling agent and that were included in the SIR were from a website called theDonald.win. According to a creator of the website, who testified before the Select Committee, theDonald.win was a public website created in 2019 for Donald Trump supporters.

The handling agent's supervisor, who was the Norfolk DT SSA, told the OIG that he and others in the field office, including the SIA, found this reporting concerning because it included calls for violence, gave a date and a time, and included a map of the Capitol grounds.<sup>89</sup> The SSA told the OIG that while he did not think that a field office could have opened a case or assessment based solely on the information reported, he and others felt that what the CHS reported should be disseminated for awareness. Over the next several hours, a Norfolk IA drafted the SIR and obtained the requisite approvals and concurrences for dissemination, including concurrence from the WFO to disseminate a SIR about potential criminal activity in WFO's AOR.

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<sup>86</sup> See e.g., *FBI report warned of 'war' at Capitol, contradicting claims there was no indication of looming violence*, [www.washingtonpost.com/national-security/capitol-riot-fbi-intelligence/2021/01/12/30d12748-546b-11eb-a817-e5e7f8a406d6\\_story.html](https://www.washingtonpost.com/national-security/capitol-riot-fbi-intelligence/2021/01/12/30d12748-546b-11eb-a817-e5e7f8a406d6_story.html) (accessed November 8, 2024); *F.B.I. report is said to have warned of plans for violence at the Capitol*, [www.nytimes.com/2021/01/12/us/fbi-report-capitol.html](https://www.nytimes.com/2021/01/12/us/fbi-report-capitol.html) (accessed November 8, 2024).

<sup>87</sup> The CHS had been opened as a source only a few weeks before and had reported only information that the CHS had seen online.

<sup>88</sup> The FBI handling agent resigned from the FBI, and the OIG was unable to interview the handling agent.

<sup>89</sup> According to the Norfolk DT SSA, this CHS had previously sent similar online content concerning election protests in DC; however, FBI Norfolk found that the information was not reportable because it was aspirational in nature, lacked specificity, and was open source.

The SIR was entitled, “Potential for Violence in Washington, D.C. Area in Connection with Planned ‘Stop the Steal’ Protest on 6 January 2021,” and was disseminated via email at 6:52 p.m. on January 5 to the WFO DT IA and to members of the Norfolk JTTF. The report stated that there were calls online for violence in DC on January 6, 2021, and included the phrases described above from the FD-1023. The SIR included the two images described above—the flyer and the map. In the comment section of the SIR, FBI Norfolk noted that the color codes for the caravans in the flyer matched those for specific sections of the perimeter in the map, suggesting certain groups had assigned areas. FBI Norfolk also included a statement on the first page of the SIR that the SIR did not report fully evaluated intelligence and that receiving agencies should not take action based on the raw reporting without prior coordination with the FBI.

Within 45 minutes of receiving the SIR, the WFO IA shared it with WFO’s “INCIDENT-2” distribution list, an email distribution list set up by intelligence staff as the primary means of sharing intelligence information during special events, including the MAGA I and MAGA II protests. The INCIDENT-2 distribution list included approximately 2 dozen recipients, including the DT SSA and some WFO CTD agents, the embedded SIA, IA, and SOS, other intelligence personnel, some members of the crisis response staff, and several members of the WFO JTTF, including TFOs from the USCP, USPP, the Supreme Court Police, MPD, and DHS.<sup>90</sup>

Shortly after sending the SIR to the INCIDENT-2 list, a WFO SIA briefed the information in the SIR during the 8:00 p.m. scheduled WFO command post briefing.<sup>91</sup> D’Antuono told OIG that although he was present in the command post on the evening of January 5, he first learned of the SIR on January 12th when a newspaper story about it came out. Regarding the substance of the SIR, D’Antuono told OIG that it had come from a “chat group” with no way to attribute it to an author, was not specific enough to be actioned, and was not new information. He stated, “It’s one piece that we had already seen a lot of.”

Further dissemination of the SIR occurred when Norfolk JTTF members sent it to their home agencies. A Norfolk USMS TFO forwarded the SIR to others on his team at the USMS, and a Norfolk JTTF member and Virginia State Police Officer forwarded the SIR to other members of the Virginia State Police and to the

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<sup>90</sup> Several other law enforcement agencies whose jurisdictions included portions of downtown DC and that had staff on the WFO JTTF, such as the USMS and the USSS, were not included on the INCIDENT-2 distribution list. According to the CTD SAC, WFO had approximately 55 full-time and part-time TFOs from 30 federal, state, and local agencies within WFO’s AOR. D’Antuono told OIG that while he was not surprised that not every TFO was on the list, he was “shocked” that TFOs from the USSS were not on it “because they are part of the incident.” D’Antuono also expressed concern that the USMS TFOs were not on the distribution list and were not in the command post and acknowledged that in hindsight, WFO needed to “start thinking about that stuff a little more” and that the distribution lists should be updated frequently.

<sup>91</sup> The SIA told OIG that he would have briefed the SIR consistent with the way he viewed the information—that it was similar to information that WFO was already aware of. The SIA said that he was certain he said something along the lines of “yes, Norfolk had a source who was online, found some of the same things as we’ve previously reported to you.” The SIA further stated that he was “somewhat irritated” with Norfolk for releasing the SIR because it was based on what a source found on the internet and was “literally...everything we already know” and in some sense made things worse because it made it seem like there was more information than there really was.

Virginia Fusion Center before 9:00 p.m.<sup>92</sup> The Virginia Fusion Center further disseminated the SIR to numerous law enforcement entities.

We also found that two USCP TFOs who received the Norfolk SIR via the INCIDENT-2 list further disseminated the SIR within the USCP. Within minutes of receiving it, one of the USCP TFOs forwarded the SIR to the USCP Intelligence Section. The other USCP TFO sent the map and the flyer contained in the SIR, which the USCP TFO told the OIG he recalled having seen before, to the AD of the USCP's Intelligence and Interagency Coordination Division (IICD) on the evening of January 5th. This USCP TFO told OIG that when passing the images to the AD, he and the AD commented that the AD probably already had them, "but here they are again. They keep coming up." This USCP TFO told the OIG that there was no further discussion of the information. The USCP TFO also said that although the information was concerning, at the time it "just didn't seem like" the protesters would be able to get into the tunnels because "the tunnels are not as easily accessible as they make it seem." The TFO's statement that the USCP AD likely already had received the images in the SIR is consistent with the USCP's intelligence sharing/reporting around that time. For example, on January 1, 2021, a USCP TFO used the WFO INCIDENT-2 email distribution list to share an email from the USCP Intelligence Section describing a "possible Militia March into DC, from VA, on 1/5" and attaching two flyers, one referencing the "MAGA Cavalry" and "Patriot Caravans" (which later appeared in the Norfolk SIR) and the other urging participants to be aggressive, stating, "No more asking nicely."

Additionally, we found evidence that in the lead-up to January 6, WFO, USCP, USSS, and MPD were all aware of the website theDonald.win and that information indicating that individuals were sharing online maps and information about the Capitol tunnels was well-known and shared among agencies. For example, HSGAC found that the USCP IICD produced an Investigative Research and Analysis Report on December 21, 2020, focused on discussions and postings containing concerning comments from theDonald.win.<sup>93</sup> The December 21 IICD Report referenced comments that "promote confronting members of Congress and carrying firearms during the protest," urged readers to "Take note" of the tunnels connected to the Capitol Building, and attached a map of the Capitol campus. The report also referenced screenshots with comments such as "Bring guns. It's now or never," "Surround every building with a tunnel entrance/exit," and "If they don't show up, we enter the Capitol as the Third Continental Congress and certify the Trump Electors."

Similarly, an FBI Guardian Incident Summary about an uptick in traffic to the website WashingtonTunnels.com, and that referenced theDonald.win, noted that the Guardian was referred to a USCP agent and a U.S. Supreme Court Police TFO "for action deemed necessary" on January 4, 2021. Specifically, this Guardian was based on a complaint from an individual who reported that he operated the WashingtonTunnels.com website and had seen a "significant uptick" in traffic on his website, which led him

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<sup>92</sup> According to its website, the Virginia Fusion Center, located in Richmond, is a collaboration between the Virginia State Police and the Virginia Department of Emergency Management. Its principal mission is to serve as a centralized location for the collection, classification, analysis, and sharing of intelligence information from local, state, and federal sources to assist Virginia law enforcement in defending against terrorist threats and criminal activity. It is the primary fusion center in Virginia within the national network of state and locally owned fusion centers that receive support such as technical assistance, training, and grant funding, from the federal government, largely via DHS and Federal Emergency Management Agency.

<sup>93</sup> See, The United States Senate Committee on Homeland Security and Governmental Affairs, "Examining the U.S. Capitol attack: a review of the security, planning, and response failures on January 6," (June 2021).

to "several active message board discussions" with conversations about protesting the Inauguration; a "most important map for January 6" thread; maps in different colors that appear to be assignments, references to forming a "TRUE LINE" around the Capitol building and tunnels, blocking "Dems and [Republicans in Name Only]," markings to indicate "those ready for action if Congress tries to certify the steal," and a call to "be there in the morning 6-10 AM." The Guardian Incident Summary also noted that the "main website" where the complainant found the message boards was theDonald.win and that the complainant provided several links to posts on the site. A summary of this Guardian was among those related to the January 6 Electoral Certification that was included in the intelligence summary prepared for then Deputy Director Bowdich's January 3 Principals Meeting, which is described above in section V.A. The WFO IA who prepared the intelligence summary for the Deputy Director subsequently emailed it to several TFOs, including a USCP TFO and a USSS TFO.

This Guardian information was also sent to the then USCP Assistant Chief for Protective and Intelligence Operations (Assistant Chief for PIO), who then sent it to then USCP Chief Sund and the Assistant Chief for Uniformed Operations (Assistant Chief for UO) on January 5 at 4:55 p.m., before the Norfolk SIR was disseminated. In an interview with the Select Committee, interviewers referenced this email as containing statements that "WashingtonTunnels.com had been receiving dramatic upticks in new visits;" that "theDonald.win had been active in promoting photos of the tunnel system;" and "that Capitol Police had identified numerous open source comments by groups of their intention of finding tunnel entrances and in confronting or blocking the Members of Congress, including setting up a perimeter to block entry or escape." The Select Committee also noted that the Assistant Chief for PIO recommended to Sund and the Assistant Chief for UO that they should hold a call to discuss that information. Interviewers asked the Assistant Chief for PIO if she was aware of the intelligence that she had forwarded to Sund before January 5, and she responded, "Yes. There had been previous conversations about individuals having information about the tunnels." The Assistant Chief also stated that as result of this information, USCP made "the determination to what we call plus-up the manpower at the tunnels." Sund confirmed in testimony before the Select Committee that he spoke to the Assistant Chief and a Deputy Chief about the tunnel information.<sup>94</sup>

MPD was also aware of and sharing information from theDonald.win. On December 24, 2020, an MPD Detective Sergeant sent a memorandum to the MPD Chief of Police summarizing a tip from a private citizen who had observed discussions about large numbers of armed individuals traveling to DC for the protests on January 6th on social media platforms, including theDonald.win. Additionally, on January 1, 2021, MPD sent the USCP a tip from a citizen who reported finding a website, theDonald.win, with plans for "terroristic

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<sup>94</sup> Following the coverage of the SIR in the media, former USCP Chief Sund was initially critical of the FBI for allegedly failing to share intelligence warning of the attack on the Capitol, stating in a February 1, 2021 letter to then Speaker of the House Nancy Pelosi that during a January 1, 2021 meeting, including then g k i t h FBI, provided any intelligence indicating that there would be a coordinated violent attack on the United States Capitol." However, during his February 23, 2021 testimony before the Senate Rules and Administration and Homeland Security and ; o j e r n m e n t 5 f a i r s C o m m i t t e e s , S u n d c o n f i r m e d t h a t a l t h o u g h learned that the USCP received the Norfolk SIR on the evening of January 5 through one of its JTTF members who forkarded it to an o c i a l i n H e a d e d t h a t t h e U S C P I n t e l l i g e n c e D i v i s i o n d i d n o t 8 i j i s i o n " further disseminate the SIR within the USCP.

behavior” on January 6th, including plans to rally near and storm the Capitol, storm federal buildings, and commit crimes against public officials.

The evidence also shows that the USSS was aware of and sharing information from theDonald.win and similar information that was later included in the Norfolk SIR. On December 27, 2020, a USSS Special Agent shared within the USSS a Guardian based on an online tip to NTOC reporting that a “theDonald.win’ user” was calling for “Patriots” to create a blockade in DC with parked cars on January 6th and that others protesting the “stolen” election, including members of the Proud Boys, planned to “march into DC armed and...[to] outnumber the police so they can’t be stopped.” The tip included that “the proud boys have detailed their plans on multiple websites such as <https://thedonald.win>.” On December 30, 2020, in an email with the subject “Discovery of Event Website—MAGA Drag the Interstate & Occupy the Capitol,” a USSS Protective Intelligence Research Specialist reported finding an open source website “for chats and events related to the January 6th, 2021 DC Protest” to others at the USSS. The email relayed that this website was being used to create caravan pages and included caravan meeting times and locations throughout the United States.

## Analysis and Recommendation

Below we describe our findings concerning the FBI's intelligence collection efforts from its CHSs about threats in connection with the January 6 Electoral Certification as well as our findings concerning the number of FBI CHSs who were in DC on January 6 and their reasons for being in DC, including their activities on January 6.

### I. Findings Concerning the FBI's Preparation for, and Its Intelligence Collection Efforts in Advance of, the January 6 Electoral Certification

The January 6 Electoral Certification was not designated as either a national special security event (NSSE) or a Special Event Assessment Rating (SEAR) event by DHS. Had DHS designated the January 6 Electoral Certification as an NSSE, the USSS would have been in charge of event security and the FBI would have been the lead law enforcement agency on collecting intelligence. In the absence of such a designation neither the FBI nor the USSS had primary responsibility for intelligence collection or event security on January 6.

Rather, we found in our review, and consistent with the findings described in other OIG reports and congressional hearings about the events of January 6, that the USCP, MPD, and the USPP were generally responsible for security operations, crowd control, and visitor protection in advance of and in connection with the January 6 protests and other demonstrations in and around the Capitol. Despite playing only a supporting role, the FBI recognized the potential for violence and took significant and appropriate steps to prepare for this supporting role. Specifically, by the late afternoon of January 4, then FBI Deputy Director Bowdich had communicated his concerns about the potential for violence, based on the information he had learned to date, and directed the FBI to enhance its preparations, including by standing up a national command post, directing a full command post at WFO to begin a day sooner than planned, and instructing CIRG to ready additional tactical assets. The FBI told Congress that its posture for January 6 was "extraordinary," and D'Antuono told the OIG that the FBI "enhanced [its] posture tremendously." Indeed, after the Capitol was breached by rioters on January 6, the FBI was in a position to deploy tactical assets to help clear the Capitol of protesters and to help USCP secure the perimeter around the Capitol Complex. We believe the FBI effectively fulfilled its tactical support function and was well-positioned to assist USCP and local law enforcement with FBI tactical assets on the afternoon of January 6.

Given the FBI's documented concerns in the days leading up to January 6, we nevertheless believe that WFO or FBI Headquarters could have taken an additional step to leverage an intelligence resource that is unique to the FBI—its CHSs—and that such a step would have allowed the FBI to determine whether its CHSs had additional intelligence information that might have assisted with the FBI and law enforcement partners' preparations for January 6. We found that the FBI did not issue a collection product for information about threats in connection with the January 6 Electoral Certification. Instead, the FBI largely focused its intelligence gathering efforts on determining which DT subjects were traveling to DC on January 6.

On December 30, in response to D'Antuono's inquiry about DT subjects traveling to DC on January 6, WFO intelligence officials engaged in limited email discussions about the need for a January 6 collection product. We found that these limited discussions were the only instance in which WFO's Intelligence Division considered issuing a collection product for information about threats in connection with the January 6 Electoral Certification. WFO intelligence officials decided, after limited consultation with the DT squad, that a collection product was not necessary.

As with the Intelligence Division, WFO's CTD only briefly considered issuing a collection product for January 6 following the D'Antuono's December 30 inquiry about travelers. In emails between WFO's CTD SAC and CTD ASAC late in the evening on December 30, the CTD SAC forwarded the Inauguration CPM to the ASAC and said that he would defer to the ASAC and his Intelligence Division counterpart as to whether something similar for January 6 would be helpful. The ASAC responded that he was aware of the Inauguration CPM, would discuss it as suggested by the SAC, and added, "I believe we've already sent out a data call via emails through DTOS but I will confirm." Both the SAC and the ASAC told us that they believed that DTOS had conducted an informal canvass for CHS information related to January 6. D'Antuono told the OIG that asking DTOS to have the field canvass its sources was "something [WFO] would have normally done" but he was "not definitively sure if that actually happened."

We also found that DTOS did not issue an informal canvass to all FBI field offices requesting information from all sources, including CHSs, about threats in connection with the January 6 Electoral Certification. We determined that the DTOS Program Manager's December 30 email was not an affirmative canvass or data call for information and was not a direction to the field offices to seek information from their CHSs. The testimony of the Program Manager and of the WFO CTD SSA who served as supervisor to WFO's DT squad about the reason for that email (i.e., to improve any reporting that field offices may want to send), and the plain language of the email show that the Program Manager's December 30 email was not intended to direct the field to canvass its CHSs. As indicated in the subject line in the original emails between the two, the December 30 email was about "[I]mproving threat reporting" that field offices were sending on their own initiative, and the email itself includes no request or requirement to canvass CHSs for information. While some field offices read the email more broadly, that is not what generally occurred.

This confusion, as well as the lack of coordinated communications between and among WFO and CTD/DTOS, was one of the factors that led to the FBI's post-January 6 inaccurate reporting to the Department and to Congress that FBI Headquarters had directed its field offices prior to January 6 to canvass their CHSs for information concerning threats in connection with the January 6 Electoral Certification. While our review did not find evidence that the FBI's statements were intentionally inaccurate, we found it concerning nonetheless given our finding that it was largely a consequence of confusion related to communications in connection with the FBI's preparation for a major domestic security event. Among the factors that we determined contributed to the inaccurate post-January 6 reporting were a misunderstanding about the scope of the Inauguration CPM, a misunderstanding about the purpose of the December 30, 2020 email, and reliance on information provided by other FBI personnel about the scope of actions that had been taken.

Although it is unknown what any such pre-January 6 canvass of FBI field offices would have revealed, we concur with Deputy Director Abbate's assessment that this was a missed opportunity to obtain intelligence at a critical juncture in the preparations for the January 6 Electoral Certification. We found that the FBI had several well-placed CHSs who had access to and provided to their handlers information about the upcoming January 6 Electoral Certification, including a CHS who had access to leadership of the Oath Keepers. Although some of the information that these well-placed sources provided to the FBI was sent to WFO, we found that these CHSs could have been more fully exploited by WFO through RFCs or another kind of targeted collection. For example, the FBI had the ability to quickly query its CHSs to obtain additional information by issuing a TSIN.

Indeed, as we describe in the report, late in the evening on January 6 after the breach of the Capitol, FBI Headquarters CTD and WFO drafted and obtained all requisite approvals for a TSIN within 3 hours and issued it FBI-wide. The TSIN stated that FBI field offices were being asked to “canvass all logical sources, including CHS, liaison, and technical” and provided two questions or “information needs” to be directed to sources. The first question concerned information about “the perpetrators of any criminal acts” at the Capitol or other federal facilities in DC, and the second question was, “Do you know of any plans to commit further violent criminal activity in Washington, DC, or any other threats to federal facilities or other property?”

In addition, a pre-January 6 canvass would have resulted in field offices engaging with their CHSs, providing field offices with an opportunity to learn from the approximately 2 dozen CHSs about their plans to be in Washington on January 6, and then to pass on whatever they learned to WFO. It also presumably would have resulted in field offices providing more complete reporting to WFO of information, described above, that the field offices had been told by their CHSs but that was not provided in full to WFO, including, for example that the Oath Keepers leader Stewart Rhodes was planning to be in DC on January 6.

Although WFO and DTOS did not direct field offices to canvass their CHSs in advance of January 6, our review of documented CHS reporting in FBI field offices as of January 6 did not identify any potentially critical intelligence related to a possible attack on the Capitol on January 6 that had not been provided to law enforcement stakeholders prior to January 6. For example, the FBI had received CHS reporting about online threats to the Electoral Certification that included maps of the Congressional tunnels. WFO distributed this intelligence through the established January 6 coordination mechanisms. Moreover, we found that the USCP, the MPD, the USPP, DHS, and the Supreme Court Police all learned about similar intelligence in advance of January 6 through their own intelligence gathering mechanisms and other established coordination efforts.<sup>95</sup> Additionally, our review of information in the FBI’s possession as of January 6, in addition to the then-documented CHS reporting, did not identify any potentially critical intelligence that had not been provided to, or was not otherwise known to, law enforcement stakeholders prior to January 6. We also took note of the fact that the extensive previous oversight (by Congress, the GAO, and other Inspectors General) of the events of January 6, including preparation by law enforcement in advance of January 6, did not identify potentially critical intelligence that was not shared by the FBI in advance of January 6.

Nevertheless, we concluded that the FBI did not take all the steps that it could have taken to develop as complete a picture of the January 6 threat potential. Indeed, we believe the post-January 6 emphasis that the FBI placed on having done a pre-January 6 CHS canvass, when in fact it had not, reinforces our concerns about the importance of the FBI ensuring that, in connection with future major events, it assesses whether a canvass is necessary and appropriate under FBI policy.

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<sup>95</sup> In the aftermath of January 6, the Norfolk SIR received considerable public attention and was described by several media outlets as providing an “explicit” or “stark” warning that extremists were planning a violent attack on the Capitol. Consequently, questions arose about the contents of the SIR and whether the FBI had provided sufficient warning to partner agencies. We found that, prior to January 6, WFO emailed the SIR to several TFOs, including a USCP TFO, and that USCP further disseminated the SIR within the USCP. Moreover, we found that the information contained in the SIR—including the posts on theDonald.win, the calls to use violence, the map of the Capitol and references to tunnels, and a flyer indicating that caravans were planning to come to DC to protest—was information that was widely known to law enforcement in DC in advance of January 6 and was shared between and among various agencies.



In light of our findings and conclusions summarized above, the OIG recommends that the FBI assess the processes and procedures it uses to prepare for events that it determines present potential domestic security issues—but have not been designated as NSSE or SEAR events by DHS—to ensure that its processes and procedures set forth with clarity the division of responsibilities between and within the relevant FBI field office and FBI Headquarters; clearly define a mechanism for making a formal determination whether and what kind of a nationwide intelligence and CHS canvass is necessary and appropriate under FBI policies; and provide sufficient guidance to ensure that relevant intelligence can be timely shared among the relevant FBI components and with non-FBI stakeholders.

## **II. Findings Regarding FBI CHSs Who Were in DC on January 6, Including Three that Had Been Tasked to Report on Predicated Subjects Believed to be Attending the Rally**

Our investigation determined there were a total of 26 FBI CHSs from a wide range of FBI Field Offices in DC on January 6 in connection with the events of January 6.<sup>96</sup> Our review found that no FBI CHS was authorized to enter the Capitol or a restricted area, or to otherwise break the law on January 6, nor was any CHS directed by the FBI to encourage others to commit illegal acts on January 6. Of the 26 CHSs who were in DC for the events of January 6, the records we reviewed showed that 4 CHSs entered the Capitol on January 6; 13 CHSs entered the restricted area; and 9 CHSs attended January 6 events but did not enter the Capitol or a restricted area or otherwise engage in illegal activity. As noted previously, none of the CHSs that entered the Capitol or a restricted area on January 6 have been prosecuted to date.<sup>97</sup>

Of the 26 CHSs who traveled to DC in connection with the events of January 6, documents and other information we reviewed showed that two CHSs had been tasked by their respective handling field offices to travel to DC in order to report on DT subjects who the field offices understood were planning to travel (travelers) to DC for the events of January 6 and that a third CHS had been tasked by its field office to report on travelers to DC for the events of January 6 after the CHS notified their handling agent about the CHS's planned travel to DC. We further found that the handling field offices for these three CHSs notified WFO in advance of January 6 that the DT subjects and the CHSs would be traveling to DC, and that WFO was tracking these travelers in advance of January 6. We also found that the handling field offices had obtained WFO's concurrence for each of the three CHSs to travel to WFO's AOR, as required by FBI policy.<sup>98</sup>

None of these three CHSs were authorized by the FBI to engage in illegal activity, including to enter the Capitol or a restricted area, or to otherwise break the law on January 6, nor were these CHSs directed by the

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<sup>96</sup> In addition, we determined that 3 CHSs traveled to DC for reasons unrelated to the events of January 6, and that they did not attend any of the January 6 events, enter any restricted areas, or engage in any illegal activity.

<sup>97</sup> After reviewing a draft of this report, the DC USAO stated in its response to the OIG, "The D.C. U.S. Attorney's Office generally has not charged those individuals whose only crime on January 6, 2021 was to enter the restricted grounds surrounding the Capitol, which has resulted in the Office declining to charge hundreds of individuals; and we have treated the CHSs consistent with this approach." The scope of this review did not include prosecution decisions, including as to the FBI CHSs, made by the DC USAO after the riot on January 6, 2021.

<sup>98</sup> As previously noted, we also found that another CHS who was not tasked with being in DC on January 6 entered the Capitol, and after January 6, provided information to the CHS's field office, including video footage from the Capitol. The field office provided this information to WFO, which subsequently asked the field office to task the CHS with attending the Inauguration. The CHS attended the Inauguration and was reimbursed for the CHS's travel on January 6 and for the Inauguration, even though the CHS was only tasked with attending the Inauguration.

FBI to encourage others to commit illegal acts on January 6. After January 6, the FBI determined that two of these CHSs had entered the restricted area around the Capitol and that the other CHS had entered the Capitol.

Of the remaining 23 CHSs who traveled to DC in connection with the events of January 6, we determined that the CHSs did so on their own initiative and were not tasked by the FBI to do so. We further found that 13 of these 23 CHSs notified their handling agent in advance about their planned travel and 10 did not, and that none of the 23 CHSs were authorized to engage in illegal activity, including to enter the Capitol or a restricted area, or to otherwise break the law on January 6, nor were these CHSs directed by the FBI to encourage others to commit illegal acts on January 6.<sup>99</sup> Of the field offices whose CHSs provided notice in advance of their intent to travel to DC on their own initiative, one field office notified WFO of the planned travel of two CHSs even though it was not required to do so by FBI policy.<sup>100</sup>

We therefore found that WFO was made aware in advance of January 6 that five FBI CHSs would be in DC for the events of January 6, including the three who were tasked to report on travelers, and two additional CHSs who traveled on their own initiative. Additionally, we determined that, on the afternoon of January 6, after the breach of the U.S. Capitol, two more field offices notified WFO that their CHSs, who had traveled to DC on their own initiative, were in DC.

Had WFO and/or DTOS ensured that field offices canvassed their sources, including CHSs, for information about January 6 and been systematically tracking CHS reporting, we believe WFO would have had a more complete understanding of the CHSs who were in DC on January 6, as well as information they and other CHSs may have been reporting to their handling agents in advance of January 6. In addition, had WFO been aware of the CHSs who were in DC on January 6, the FBI could have potentially obtained valuable information from these CHSs as the rioting was unfolding, and then provided that information to their law enforcement partners. Then Associate Deputy Director and current Deputy Director Abbate told the OIG that he would have expected the FBI to have issued a formal collection product to canvass its sources in advance of January 6 as part of its efforts to learn as much as possible about the threat picture prior to and on January 6. Deputy Director Abbate said that if the FBI had canvassed its sources and was tracking this information, the FBI likely would have had more insight than it did into which of its CHSs were in DC on January 6. We agree.

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<sup>99</sup> We determined that one of the 10 CHSs that did not notify their handling agent in advance contacted their handling agent on January 6 at 4:45 p.m. and told the handling agent that they were en route to the Capitol to document any illegal activity. The handling agent advised the CHS that they were not being tasked to take any action and that they were acting on their own. The CHS subsequently reported to their handling agent that they never got out of their car that day. We determined that the CHS was not one of the 17 CHSs who either entered the Capitol or a restricted area on January 6.

<sup>100</sup> FBI policy requires a field office who tasks a CHS to travel into another field office's AOR to notify that other field office in advance of the planned travel and to seek concurrence. However, a field office whose CHS travels on their own initiative to another field office's AOR, and has not been tasked to do so, is not required to report the travel in advance to the other field office.

For the foregoing reasons, we recommend the following:

1. That the FBI assess the processes and procedures it uses to prepare for events that it determines present potential domestic security issues—but have not been designated as NSSE or SEAR events by DHS—to ensure that its processes and procedures set forth with clarity the division of responsibilities between and within the relevant FBI field office and FBI headquarters; clearly define a mechanism for making a formal determination whether and what kind of a nationwide intelligence and CHS canvass is necessary and appropriate under FBI policies; and provide sufficient guidance to ensure that relevant intelligence can be timely shared among the relevant FBI components and with non-FBI stakeholders.

The FBI sent a formal response to a draft copy of this report. Their response is attached as Appendix 2.

# Appendix 1: Guardian Appendix

To: [Redacted]  
Cc: [Redacted]  
From: [Redacted]

Sent: Sun 1/3/2021 3:49:59 PM (UTC)  
Subject: Fw: FBI WFO Update for January 6th Events

[Redacted]

[Redacted]

[Redacted]

[Redacted]

From: [Redacted]  
Sent: Sunday, January 3, 2021 10:01 AM  
To: [Redacted]  
Cc: [Redacted]  
Subject: FBI WFO Update for January 6th Events

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**GUARDIAN APPENDIX:**

WFO is tracking the following 16 Guardians as of 0800 on 3 January 2020:

1. [REDACTED] notification from Fort Leonard Wood, Missouri which stated he had a "hunch" that on January 6, 2021 that there would be a chemical or biological attack in a water reservoir in Washington D.C. and that there should be extra security at the inauguration. WFO Duty Agent created a Guardian and contacted the complainant. The caller to the complainant may have mental issues and referenced Q'Anon, someone named General Ezra who is one of the "Twelve Horsemen", someone else with Seal Team Six and the Red Pill Society. The Guardian was transferred to the KC field office for further interviews.
2. [REDACTED] NTOC tip from a complainant in Georgia. Complainant advised Enrique Tarrío and the Proud Boys will be in DC on 01/06. Complainant states "These men are coming for violence. They will cause mass unrest, destruction, and potentially kill many people in the streets of DC on January 6th. They will roam the streets incognito attacking anyone they deem as antifa..." (A review of the Tarrío posts submitted did not reveal any call for violence.) (Closed and linked to another Tarrío Guardian. Tarrío appears to reside in Miami.)
3. [REDACTED] Online complaint from Miami, reporting websites (trumpsarmy.us, Front Sight Firearms Training in Las Vegas, Dr. Ignatius Piazza Citizen Patriots) alleging an overthrow of the government if Trump does not remain in office. Complainant states he heard it on the radio. Date of attack 01/06.
4. [REDACTED] NTOC complaint from NC, stating there is a Tiktok video with someone holding a gun saying "Storm the Capitol on January 6th." The screen shot of the Tiktok user reads "I AM A ENEMY OF THE STATE" and "JAN 6 STORM CAPITAL" under user name elk.river.goon.
5. [REDACTED] DC resident who runs "WashingtonTunnels.com," that explores subterranean architecture of DC. Complainant noticed a significant uptick in traffic to his site over the last month. Complainant advised there were several threads or message boards of conversations protesting the 2020 Inauguration. One of the threads appears to be "most

[REDACTED]



## Appendix 2: The FBI's Response to the Report



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D. C. 20535-0001

### MEMORANDUM

TO: Michael S. O'Neill  
Assistant Inspector General  
Oversight and Review Division  
Office of the Inspector General

FROM: Federal Bureau of Investigation

DATE: December 11, 2024

SUBJECT: Federal Bureau of Investigation's Response to Report, "A Review of the Federal Bureau of Investigation's Handling of Its Confidential Human Sources and Intelligence Collection Efforts in the Lead Up to the January 6, 2021, Electoral Certification" ("Report").

The Federal Bureau of Investigation (FBI) appreciates the opportunity to provide a response to the draft report prepared by the Office of the Inspector General (OIG), entitled "A Review of the Federal Bureau of Investigation's Handling of Its Confidential Human Sources and Intelligence Collection Efforts in the Lead Up to the January 6, 2021, Electoral Certification" (Report).

The OIG reviewed the FBI's "significant efforts to identify domestic terrorism subjects who planned to travel to the Capital region on January 6 and to prepare to support its law enforcement partners on January 6 if needed." As the Report acknowledges, the FBI did not have primary responsibility for intelligence collection or event security on January 6 but nonetheless "recognized the potential for violence and took significant and appropriate steps to prepare for this supporting role." Further, the Report includes the OIG's analysis regarding the FBI's use of confidential human sources (CHSs), and concludes that no FBI CHSs "were authorized to enter the Capitol or a restricted area or to otherwise break the law on January 6, nor was any CHS directed by the FBI to encourage others to commit illegal acts on January 6."<sup>1</sup> We also note that your review found no evidence that the FBI had undercover employees in the protest crowds or at the Capitol on January 6.

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<sup>1</sup> The FBI received the following from the D.C. U.S. Attorney's Office: the D.C. U.S. Attorney's Office agrees with OIG's conclusion that, of the several thousands of people who illegally entered the Capitol grounds on January 6, 2021, seventeen were FBI CHSs, and none were authorized to break the law or to encourage others to do so. The D.C. U.S. Attorney's Office generally has not charged those individuals whose only crime on January 6, 2021 was to enter the restricted grounds surrounding the Capitol, which has resulted in the D.C. U.S. Attorney's Office declining to charge hundreds of individuals; and they have treated the CHSs consistent with this approach.



Although the FBI continues to disagree with certain of the factual assertions in the Report regarding the manner of specific steps, and the scope of the canvass undertaken by the FBI in advance of January 6, 2021, a time period during which the Report recognizes as including multiple field offices providing information in response to direction from Washington Field Office and FBI Headquarters, the FBI nonetheless accepts the OIG's recommendation regarding potential process improvements for future events. Specifically, the OIG's recommendation calls for the FBI to "assess the processes and procedures it uses to prepare for events that it determines present potential domestic security issues—but have not been designated as NSSE or SEAR events by DHS—to ensure that its processes and procedures set forth with clarity the division of responsibilities between and within the relevant FBI field office and FBI Headquarters."

Although DHS did not designate the January 6, 2021, electoral certification as a national special security event (NSSE), we note that DHS has since designated the upcoming 2025 certification as a NSSE,<sup>2</sup> and the FBI is coordinating closely with DHS, the U.S. Secret Service, the U.S. Capitol Police and other responsible agencies in preparation for the 2025 electoral certification and the subsequent Presidential Inauguration. The FBI is nonetheless committed to assessing our policies and procedures for other, non-NSSE future events, as recommended, to ensure that they clearly set forth the division of labor among FBI field offices and divisions.

We thank you again for the OIG's dedication and analysis related to these important matters.

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<sup>2</sup> See "2025 Counting and Certification of Electoral Votes Designated a National Special Security Event," U.S. Secret Service Media Relations (Sep. 11, 2024), *available at* <https://www.secretservice.gov/newsroom/releases/2024/09/2025-counting-and-certification-electoral-votes-designated-national>