Department of Homeland Security
Office of Intelligence and Analysis
Policy Instruction: IA-901
Revision Number: 01
Issued: 08/03/2016

OFFICE OF INTELLIGENCE AND ANALYSIS PRODUCTION OF FINISHED INTELLIGENCE

I. Purpose

This Instruction establishes the responsibilities and procedures within the Office of Intelligence and Analysis (I&A) for the production, review, approval, and dissemination of I&A Finished Intelligence Products.

II. Scope

A. This Instruction applies to all I&A personnel, including contractors supporting I&A and employees detailed from other agencies to I&A.

B. This Instruction does not apply to the sharing of raw or unevaluated information or the analysis, production, or other assistance provided by intelligence personnel to support the authorized activities of DHS or non-DHS entities where no Finished Intelligence Product is produced.

C. This Instruction is not intended to replace or restrict other review, consultation, or oversight required by law or other authority, including that required by I&A implementing procedures for Executive Order 12333, as amended.

D. This Instruction cancels DHS Instruction IA-902, "Producing Finished Intelligence," July 15, 2011 and supersedes DHS Instruction IA-901, "Review and Clearance of Analytic Products Disseminated Outside the Federal Government," April 9, 2013, and all previous related policies, guidelines, and procedures within I&A for the production, clearance, review, and dissemination of finished analytic products.

III. References

A. Public Law No. 107-296, "Homeland Security Act of 2002," as amended, Title 6 United States Code (U.S.C.), Chapter 1.

B. Executive Order 12333, "United States Intelligence Activities," December

4, 1981, as amended.

C. Intelligence Community Directive 203, "Analytic Standards," January 2, 2015.

D. Intelligence Community Directive 206, "Sourcing Requirements for Disseminated Analytic Products," January 22, 2015.

E. Intelligence Community Directive 208, "Write for Maximum Utility," December 17, 2008.

F. Intelligence Community Directive 107, "Civil Liberties and Privacy," August 31, 2012.

G. Director of National Intelligence, "Memorandum for Intelligence Community Standards and Procedures for Revised or Recalled intelligence Products," August 5, 2005.

H. DHS Instruction 264-02-001, "DHS Intelligence Integration and Management Tearline Process Guidance," January 14, 2014.

I. Memorandum from Charles E. Allen, Under Secretary for Intelligence and Analysis, and Matthew L. Kronisch, Associate General Counsel (Intelligence), "Interim Intelligence Oversight Procedures for the Office of Intelligence and Analysis," April 3, 2008.

IV. Definitions

A. **I&A Certified Release Authority (CRA)**: I&A personnel who successfully completed the I&A Finished Intelligence CRA Training Course and applicable post-training evaluation period, are current on any applicable reoccurring oversight awareness training, and are authorized by the Under Secretary for Intelligence and Analysis to review and release I&A-produced Finished Intelligence. For the purposes of this Instruction, the I&A CRAs identified in this Instruction are at the Division-level, and their designee, only as described below in section V.C.

B. ***I&A Finished Intelligence Product***: The physical manifestation, regardless of form or format, of analytic efforts conducted in furtherance of the I&A mission, which represent the analytic assessment, judgment, or other analytic input of I&A or intelligence personnel, and which are intended for dissemination outside the Department. Not included are analyst-to-analyst exchanges, informal sharing that does not result in a finished intelligence product made available outside the federal government, products issued by the Intelligence Watch and Warning

containing limited analytic content, or the sharing of third party products not marked with the DHS seal.

C. ***U.S. Person (USPER)***: (1) A United States citizen; (2) a Lawful Permanent Resident (Green Card Holder); (3) a group substantially composed of U.S. Citizens and/or Lawful Permanent Residents; or (4) a corporation incorporated in the United States, except for a corporation directed or controlled by a foreign government or governments. A corporation or corporate subsidiary incorporated abroad, if even partially or wholly owned by a corporation incorporated in the U.S., is not a U.S. Person.

V. Responsibilities

A. The ***Under Secretary for the Office of Intelligence and Analysis (USIA)***:

1. Is the final intelligence authority, and is responsible for the content, publication, and dissemination of all I&A products;

2. Is responsible for producing independent and timely intelligence to meet Departmental and customer requirements;

3. Ensures that I&A conducts its activities in a manner that protects privacy, civil rights, and civil liberties and I&A employees receive the appropriate intelligence oversight and compliance training; and

4. Reviews and makes final intelligence-related decisions on elevated dispute resolutions as described in section VI.I.2 below.

B. The ***Deputy Under Secretary for Intelligence Operations (DUSIO)***:

1. Maintains a product review process for all Finished Intelligence Products;

2. Ensures all applicable personnel successfully complete, and stay current, on all applicable training as described in this Instruction; and

3. Reviews and makes final I&A recommendations on initial dispute resolutions as described in section VI.I.1 below, or, where necessary, elevates the dispute to the USIA for resolution.

C. ***I&A Division Directors (or their designees) as an I&A Finished Intelligence CRA***:

1. Ensure compliance with all analytic tradecraft standards, legal requirements, policies for the protection of privacy, civil rights, and civil liberties, and oversight and compliance guidelines in Finished Intelligence Products;

2. Successfully complete the I&A CRA training within 180 days of the course's certification, successfully complete the post-training evaluation period, and stay current on any applicable recurring oversight awareness training;

3. Submit any draft Finished Intelligence Product intended for dissemination to a SLTT partner to Field Operations Division (FOD) before granting release approval as described in sections VI.C and D below;

4. Ensure any applicable coordinating office or Oversight Office's[1] input is considered or successfully resolved if required input is not taken, or, as appropriate, elevated for initial dispute resolution;

5. Review and approve for dissemination all Finished Intelligence Products developed within their respective Division; and

6. Submit all relevant information concerning an elevated dispute resolution action to the I&A Ombudsman for Analytic Integrity for recording in the quality report described below in section VI.G.1.

D. The ***Director of the Field Operations Division***:

1. Coordinates with the respective Regional Director and Intelligence Officer as appropriate on state, local, tribal, or territorial (SLTT) partner-related Finished Intelligence Products containing the I&A and/or DHS seal; and

2. Ensures any SLTT produced product that contains I&A content as described in section VI below is reviewed and cleared in accordance with the procedures described in sections VI.C and D below.

E. The ***Chief of the Production, Media, and Dissemination Branch (PMDB)***:

1. Conducts the final technical editing, formatting, and DHS brand compliance review for all Finished Intelligence Products;

[1] DHS oversight offices consist of the Office of General Counsel-Intelligence Law Division (OGC-ILD), the I&A Intelligence Oversight Officer (IOO), the DHS Office for Civil Rights and Civil Liberties (CRCL), and the DHS Privacy Office (PRIV).

2. Submits the final product for release approval and performs final edits as directed by the approving official;

3. Schedules dissemination in coordination with other federal, or SLTT and private sector (SLTTP) partners as appropriate; and

4. Disseminates the Finished Intelligence Product after appropriate approvals are received.

F. The ***I&A Ombudsman for Analytic Integrity***:

1. Provides advice to the DUSIO and/or USIA on training enhancements and dispute resolution issues as appropriate;

2. Maintains a log of all elevated dispute resolution actions for record keeping and input into the quality review report; and

3. Produces quarterly I&A quality review reports on Finished Intelligence Products disseminated and submits the report to the USIA and DUSIO.

G. ***I&A Branch Chiefs***:

1. Ensure all appropriate I&A personnel have received, and stay current on, analytic, oversight, and compliance-related training;

2. Enforce appropriate analytic tradecraft standards and oversight and compliance guidelines in Finished Intelligence Products; and

3. Review and clear all Finished Intelligence Products developed within their respective Branch before pre-coordination reviews and Division approvals as described in section VI.C below.

H. ***I&A personnel***:

1. Adhere to proper analytic tradecraft and oversight and compliance guidelines when drafting Finished Intelligence Products;

2. Successfully complete, and stay current on, any applicable oversight and compliance awareness training;

3. Seek advice from DHS subject matter experts and offices when drafting Finished Intelligence Products as appropriate; and

4. Respond to, and collaborate directly with, PMDB and the respective office that provided questions or comments on a product.

VI. Content and Procedures

I&A personnel can contribute informally and formally to federal and SLTTP products based on their training, expertise and local knowledge, but if the finished product contains I&A-written content, these products are subject to this Instruction, regardless of whether I&A is acknowledged in the product. Unless otherwise specified, this Instruction is applicable to Finished Intelligence Products to which I&A has contributed analytic content, to include briefings in which the briefing slides and/or handouts contain new analytical content and/or graphics. Products that are developed from information previously cleared, reviewed, approved, and disseminated as described in this Instruction, without additional analytical input, do not require re-reviews.

I&A has an obligation to apply the best practices of analytic tradecraft to all Finished Intelligence Products while adhering to applicable law and policy and appropriately protecting individuals' privacy, civil rights, and civil liberties. These procedures ensure that Finished Intelligence Products: (1) are issued in a timely manner; (2) conform to I&A's authorized mission, qualitative standards, and legal and regulatory requirements; (3) protect the constitutional and privacy rights of U.S. Persons and other individuals; (4) respond to the requirements of I&A customers, both Departmental and others; and (5) maintain the integrity of the intelligence process.

A. ***Training***

1. I&A employees who produce or contribute to finished intelligence products but are not approving authorities must successfully complete any applicable tradecraft and oversight and compliance training, but are not subject to the post-training period mentioned below.

2. I&A Finished Intelligence CRA training consists of: (1) an initial course of instruction approved by the Oversight Offices and appropriately certified by the I&A Strategic Learning and Development Branch to provide an adequate opportunity for the I&A CRA candidate to learn, comprehend, and apply analytic tradecraft standards, legal requirements, policies for the protection of privacy, civil rights, and civil liberties, and oversight and compliance guidelines in the assessment of Finished Intelligence Products, (2) subsequent annual oversight and compliance awareness training as available, and (3) any applicable tradecraft training as determined by the USIA.

3. A ninety (90) day post-training period, or longer as noted in section VI.A.3.a below, working with the applicable oversight offices immediately follows the CRA initial training and requires demonstration of competency and skill in the application of relevant oversight and compliance guidelines. This coincides with the pre-coordination process in section VI.C. below and confirms the CRA candidate's ability to reasonably avoid

or otherwise mitigate risks to privacy, civil rights, and civil liberties through the application of law, policy, and oversight guidelines.

a. The first thirty (30) days, or until a minimum of three finished intelligence products reviewed by the Oversight Offices is conducted, whichever is longer, consists of on the job training and feedback with the applicable oversight offices during the pre-coordination process. The remaining sixty (60) days, or until a minimum of five finished intelligence products reviewed by the Oversight Offices is conducted, whichever is longer, continues that effort, but tracks progress to determine successful completion described in section VI.A.3.b below. (For example, improvement in the necessary competencies and skills should result in a decrease over time of both the number and significance of issues identified by any oversight office that are deemed to require edits, as well as repetition of previously corrected errors. This should result in an improved demonstrated history of attempting to mitigate identified issues before oversight office reviews.)

b. In addition to qualitative assessments the CRA candidate must adequately review and successfully identify and correct issues that would result in mitigation as described in sections VI.C.5. and 6.b below for at least 90% of their respective products in the final 60 day pre-coordination process, such that an oversight office does not identify any additional required edits in their review stage. Recommendations and other feedback will not negatively impact scoring, but may be taken into account in the final oversight office recommendations to the USIA or PDUSIA for CRA certification.

B. ***Production***

1. I&A personnel ensure the analysis being written or contributed clearly articulates relevance to authorized DHS intelligence activities as described in EO 12333.

2. I&A personnel assigned to research and produce Finished Intelligence Products in accordance with the requirements outlined in the I&A Program of Analysis:

   a. Prepare the analytic approach to the proposed finished intelligence using any applicable analytic tradecraft guidances and/or Policies;

   b. Enter the required information into the appropriate I&A Production Plan data management tool;

   c. Digitally archive all sources used in drafting finished intelligence;

d. Properly identify and minimize U.S. Person (USPER) information;

e. Determine the releasability of the finished intelligence to the anticipated audience;

f. Coordinate with PMDB, as appropriate, to prepare pictures, charts, or other graphics;

g. Verify that classification markings comply with Controlled Access Program Coordination Office (CAPCO) and current I&A Classification Guide standards; and

h. Comply with requirements of any existing and future policy or memorandum of understanding governing the production and dissemination of joint seal finished intelligence with other Agencies.

3. I&A personnel can at any time seek the advice or voluntary review of a product by the Office of General Counsel-Intelligence Law Division (OGC-ILD), the I&A Intelligence Oversight Officer (IOO), the DHS Office for Civil Rights and Civil Liberties (CRCL), and the DHS Privacy Office (PRIV) regarding the application of legal, compliance, and/or oversight guidelines.

C. ***Pre-Coordination***

1. I&A personnel ensure timely and appropriate analytic coordination, including with other DHS Components and Offices, federal agencies, and SLTTP partners as appropriate.

2. I&A personnel submit the final draft of their Finished Intelligence Product to their respective Branch Chief for Branch review and clearance to submit the product for internal I&A review. The Branch Chief reviews products to ensure the appropriate substance, analytic tradecraft, and application of oversight principle guidelines are incorporated.

3. Once the Branch Chief clears the draft product, the product is submitted to the designated Division-level CRA for internal I&A review and feedback regarding the application of tradecraft standards and oversight and compliance guidelines. The product's author works with the Division-level CRA on any feedback received and incorporates the required edits before advancing the product for initial approvals.

4. Once the Division-level CRA preapproves the draft product, the product is submitted by the author to the OGC-ILD and IOO for internal

I&A review and feedback. The product's author works with the OGC-ILD and/or IOO on any feedback received and incorporates the required edits before advancing the product for initial approvals. Recommended or suggested edits by the OGC-ILD and/or IOO are to be considered by the product's author, but are not mandatory.

5. Edits from the OGC-ILD and/or IOO are deemed to be required where the following criteria are met:

a. For the OGC, where the comment accompanying the substantive edit clearly states (or the OGC otherwise clearly communicates in writing) that the substantive edit is legally required and provides a written justification for that determination.

b. For IOO, where the comment accompanying the substantive edit clearly states (or IOO otherwise clearly communicates in writing) that the substantive edit is required by I&A's intelligence oversight procedures and provides a written justification for that determination.

6. In the absence of an I&A Division-level CRA, I&A-produced Finished Intelligence Products intended for dissemination outside the federal government are reviewed by CRCL and PRIV in addition to the OGC-ILD and IOO prior to release to ensure that the product complies with applicable law and policy and appropriately protects individuals' privacy, civil rights, and civil liberties.

a. The product's author works with CRCL and/or PRIV on any feedback received and incorporates the required edits before advancing the product for initial approvals. Recommended or suggested edits by CRCL and/or PRIV are to be considered by the product's author, but are not mandatory.

b. Edits from CRCL and/or PRIV are deemed to be required where the following criteria are met:

i. For CRCL, where the comment accompanying the edit clearly states (or CRCL otherwise clearly communicates in writing) that the edit is required for the product to adequately protect the civil rights or civil liberties of one or more individuals who are 1) a USPER or 2) any individual located or suspected of being located within the United States, and provides a written justification for that determination.

ii. For PRIV, where the comment accompanying the edit clearly states (or PRIV otherwise clearly communicates in writing) that

the edit is required for the product to adequately protect the privacy of one or more individuals who are 1) a USPER or 2) any individual located or suspected of being located within the United States, and provides a written justification for that determination.

7. I&A personnel are authorized to advance Finished Intelligence Products to the release approval phase if they have exhausted every reasonable effort to obtain required reviews and feedback or applicable clearance is not received within the time frame required in advance by I&A or a deadline extension is not agreed upon, provided that this time frame is the maximum amount of time possible for the product to be released and still maintain its analytic value:

   a. For routine products, within two (2) business days unless a longer review period is provided by I&A;

   b. For priority products, within one (1) business day; and

   c. For immediate products, within two (2) hours, or as soon as possible that ensures the product is relevant and timely to the current situation.

8. I&A personnel must obtain all necessary release authority required by applicable Executive Orders, Foreign Intelligence Surveillance Act (FISA), Originator Controlled (ORCON), and other appropriate dissemination control and release approvals.

9. I&A personnel submit the Branch and internal I&A-approved product package to their Division leadership for review and dissemination approval.

D. ***Standard Publication Process***

1. Initial Approval: The respective Division Director (or his or her designee) in their role as an I&A Division-level CRA reviews products to ensure the appropriate substance, analytic tradecraft, and application of oversight principle guidelines are incorporated and approves Finished Intelligence Products before the products are submitted to PMDB.

   a. Before approving, if applicable, the respective Division Director (or his or her designee) ensures conflicting or inconsistent edits or other required input contributed by any offices are resolved to the satisfaction of both/all or, as appropriate, elevated for resolution action to the DUSIO.

   b. If a Finished Intelligence Product is intended for dissemination to a SLTT partner, the respective Division Director (or his or her designee) submits the final draft to FOD for immediate review before approving a product for dissemination.

   c. Division Directors ensure the requirements of any existing or future policy or memorandum of understanding governing the production and dissemination of joint seal finished intelligence with other agencies is met.

2. Release Approval and Dissemination:

   a. The respective Division Director (or his or her designee) approves Finished Intelligence Products for dissemination after the appropriate review process is complete and provides his or her approval and/or final edits to the product author and PMDB.

   b. PMDB:

      i. Reviews final products to ensure all applicable edits were made during all stages of the review and clearance processes;

      ii. Reviews customer lists in the product's accompanying product Abstract to ensure they correspond to the classification and dissemination controls applicable to finished intelligence;

      iii. Ensures all finished intelligence is disseminated to the appropriate U.S. customers and posted on appropriate sites according to each product's dissemination instructions, controls, and product classification;

      iv. Disseminates to international partners only after the Foreign Disclosure Officer completes his/her applicable responsibilities; and

      v. Maintains an archive of finished intelligence that has been either distributed or disseminated.

E. ***Expedited Pre-Publication Process***:

1. If an I&A Finished Intelligence Product relates to an immediate threat to homeland security or other exigent crisis or situation as determined by the USIA or DUSIO, the USIA can modify the processes noted above in sections VI.C (except VI.C.4. and 5) and D.

2. In such cases, the USIA ensures the modified process allows the Oversight Offices the maximum amount of review and coordination time possible for the product to be released and still maintain its analytic value given the exigent circumstances giving rise to its production.

3. If the applicable pre-coordination and approval processes cannot be obtained by I&A within the timeframe deemed necessary by the USIA, every effort is made to notify the respective coordination and/or Oversight Office(s) prior to dissemination of that I&A product and I&A sends a copy of the disseminated product to the applicable coordination and Oversight Offices.

F. ***Finished Intelligence Products Evaluations***

1. Analytic recipients evaluate Finished Intelligence Products based on the perceived value of the information contained in the product to their analytic account and applicability of the information to their current mission requirements. A Finished Intelligence Product evaluation is not representative of the value of information to all consumers of the product.

2. DHS-produced evaluations are conducted, published, and recorded in accordance with appropriate guidelines approved by the USIA.

3. Evaluations are considered as a time series and can be received over the course of several months or years. Historical production is periodically revisited for evaluations received on past Finished Intelligence Products to produce evaluation reports covering the appropriate individual and/or Branch portfolio.

G. ***Quality, Compliance, and Oversight Office Reviews***

1. I&A Internal Quality Reviews:

   a. The I&A Ombudsman for Analytic Integrity, along with the OGC-ILD and IOO, prepares quarterly quality review reports based upon a review of Finished Intelligence Products disseminated and any associated evaluations during the respective reporting period.

   b. The report includes any observations and examples of legal, oversight and compliance concerns, substantive recalls or revisions summaries, the use of the expedited pre-publication process, and details of elevated dispute resolution actions and outcomes.

   c. Based upon the report, the I&A Ombudsman for Analytic Integrity makes recommendations to the USIA, with the OGC-ILD and IOO input as appropriate, for revised or new I&A training or other measures of oversight and tradecraft principles to improve understanding and application.

2. Compliance and Oversight Office Reviews: To ensure that Finished Intelligence Products comply with applicable policy (e.g. ICD 107 and guidance issued by CRCL) and appropriately protect individuals' privacy, civil rights, and civil liberties, CRCL and PRIV may conduct compliance reviews directly related to their respective oversight authorities on Finished Intelligence Products and conduct supplemental awareness training or targeted training of I&A personnel, as appropriate.

   a. The I&A Ombudsman for Analytic Integrity, in coordination with CRCL and PRIV, develops a compliance review schedule that minimizes the impact on production activities and ensures I&A provides appropriate support to the compliance review process.

   b. The findings of each compliance review are shared with the USIA, DUSIO, and other officials as appropriate, along with recommendations designed to focus training or other oversight measures across I&A or specific analytic activities based on the results of the compliance review process.

H. ***Recalls or Revisions***

1. I&A uses the IC-common terms "administrative revision," "substantive revision," "administrative recall," and "substantive recall" when issuing notices that previously disseminated products have been modified or withdrawn. (See Reference G)

2. The substantive or administrative recall or revision of a Finished Intelligence Product requires the consent of the approving Division Director who approved the product for dissemination.

3. Administrative or substantive recalls are submitted by the respective product author to their Division Director for approval, and then submitted to PMDB for recall action.

4. A disseminated Finished Intelligence Product that required an administrative recall or administrative revision does not need to be submitted to the I&A Ombudsman for Analytic Integrity.

a. Administrative revisions are conducted by the respective product's author and submitted to their Division Director for release approval. The respective Division Director approves the revised product for release and submits the revised product to PMDB for re-dissemination. PMDB disseminates the revised product to the parties designated in the product's accompanying abstract.

5. A disseminated Finished Intelligence Product that required a substantive recall or substantive revision is submitted by the respective product's author along with a summary of explanation and required edits to their Division Director, PMDB, and the I&A Ombudsman for Analytic Integrity for awareness, record keeping, and possible remedial training on analytic standards.

   a. Substantive revisions are conducted by the respective product's author who makes the required changes and submits the revised product for the complete process as described above.

I. ***Dispute Resolution***

1. Initial Dispute Resolution Process

   a. If an agreement cannot be reached between the respective Division Director and any office regarding required edits, recalls, or revisions, the issue is elevated to the DUSIO for immediate review and final I&A recommendation.

   b. The DUSIO examines the concerns within the context of analytic integrity and standards and within five (5) business days either requests edits to resolve the concerns or determines edits cannot be accepted without materially compromising the analytic value of the product or contradicting a best practice of analytic tradecraft. The I&A Ombudsman for Analytic Integrity assists the DUSIO in formulating a recommendation upon request by the DUSIO.

   c. If the DUSIO determines that no or only partial edits are needed, the DUSIO contacts the applicable office(s) to determine whether further elevation is required.

   d. If agreement cannot be reached between the DUSIO and the office providing the required edit in dispute, the issue is elevated to the USIA for resolution at the Component Head level.

2. Elevated Dispute Resolution Process

   a. If an agreement cannot be reached between the DUSIO and respective office regarding required edits, recalls, or revisions, the USIA reviews all the information to make a final determination for I&A within ten (10) business days of receipt.

   b. The USIA notifies the DUSIO and the respective Office Head(s) of I&A's final decision. The USIA's decision is final for any non-CRCL or PRIV dispute.

   c. A record of the elevated dispute actions is submitted to PMDB and the I&A Ombudsman for Analytic Integrity by the DUSIO for recording and quality report reporting.

3. Departmental Dispute Resolution Process

   a. If agreement cannot be reached between the USIA and a CRCL or PRIV Principal regarding required edits during their coordination or compliance reviews, the analytic product and dispute justifications from I&A and the respective office providing the required edit in dispute are sent to the Deputy Secretary via I&A Executive Secretariat channels. The Deputy Secretary reviews all the information to make a final determination for the Department.

   b. The Deputy Secretary notifies the USIA and the respective Principal(s) of the final decision and appropriate action.

   c. A record of the Departmental dispute actions and decision is submitted to PMDB and the I&A Ombudsman for Analytic Integrity by I&A ExecSec for recording and quality report reporting.

VII. Questions

Questions or concerns regarding this instruction should be addressed to the I&A Office of the Deputy Under Secretary for Intelligence Operations.

Francis X. Taylor
Under Secretary for Intelligence and Analysis

August 3, 2016
Date