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4 SELECT COMMITTEE TO INVESTIGATE THE
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
6 U.S. HOUSE OF REPRESENTATIVES,
7 WASHINGTON, D.C.

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11 INTERVIEW OF: JOHN KELLY DONOHUE

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Monday, January 31, 2022

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Washington, D.C.

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The interview in the above matter was held via Webex, commencing at 2:07 p.m.

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Present: Representative Schiff.

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2 Appearances:

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5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

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8 [REDACTED], INVESTIGATIVE COUNSEL

9 [REDACTED], SENIOR INVESTIGATIVE COUNSEL

10 [REDACTED], STAFF ASSOCIATE

11 [REDACTED], RESEARCHER

12 [REDACTED], PROFESSIONAL STAFF MEMBER

13 [REDACTED], INVESTIGATIVE COUNSEL

14

15 For JOHN KELLY DONOHUE:

16

17 ERIC FRANZ

18 SAMIDH GUHA

19 LISA N. WALTERS

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2 [REDACTED]. All right. So we can go on the record.

3 This is an interview of John Donohue conducted by the House Select Committee to
4 Investigate the January 6th Attack on the United States Capitol pursuant to House
5 resolution 503.

6 Mr. Donohue, could you please state your full name and spell your last name for
7 the record?

8 Mr. Donohue. Absolutely. It's John Kelly Donohue, D-o-n-o-h-u-e.

9 [REDACTED]. I'll introduce everyone on our side in the virtual room today for
10 the record. Present is Researcher [REDACTED], Investigative Counsel [REDACTED],
11 Professional Staff Member [REDACTED], and Senior Investigative Counsel [REDACTED]
12 [REDACTED]. I believe I have everybody on our side other than administrative folks.

13 If you can --

14 Mr. Franz. I think --

15 [REDACTED]. Yes.

16 Mr. Franz. At the beginning I think I heard it say that the meeting is being
17 recorded. Can we address that?

18 [REDACTED]. Sure. Is that -- was that the court reporter who did that?

19 The Reporter. No.

20 [REDACTED]. No, that was me, [REDACTED]. I'm monitoring, and I was told to
21 record.

22 [REDACTED]. Okay. We don't have to record. This interview doesn't need to
23 be recorded other than --

24 [REDACTED]. It was a request by [REDACTED].

25 [REDACTED]. Oh.

1 [REDACTED]. If that's okay. I think that's -- [REDACTED], is that what you said?

2 [REDACTED]. Yes. So Samantha said that all TIs moving forward will be
3 recorded at the request of [REDACTED] unless we're told otherwise, so --

4 [REDACTED]. Okay. So that is our -- obviously our chief investigative counsel,
5 Mr. Donohue and Mr. Franz. Is that all right? Is that -- do you have -- do you take
6 issue with our recording?

7 Mr. Franz. Well, to whom might this recording be distributed? Is this part of
8 the public record?

9 [REDACTED]. It's my understanding that, no, that it won't be released. The
10 transcription itself, I know -- everything -- everything is staying in -- within the committee.
11 Obviously, we're going to potentially quote from the transcription in a given report, in a
12 final report. But as far as the recording, that -- my understanding is absolutely no, that
13 that stays with us.

14 Mr. Franz. Okay.

15 [REDACTED]. All right?

16 Mr. Franz. If that changes, I just want to have notice of it, okay?

17 [REDACTED]. Of course. Of course. We will inform you for whatever reason
18 that that's not our policy moving forward, but that is my understanding right now.

19 Mr. Franz. Okay.

20 [REDACTED]. Perfect.

21 I want to acknowledge for the record, Congressman Schiff has joined the
22 conversation.

23 Mr. Guha. [REDACTED] I apologize. It's Samidh. If you can just give me 2 seconds,
24 let me just call Eric really quickly. It'll literally take 2 seconds.

25 [REDACTED]. Sure, of course. No problem. We can go off the record. No

1 problem.

2 [Discussion off the record.]

3 [REDACTED]. We can go back on the record.

4 Mr. Franz. Hey.

5 [REDACTED]. Hi.

6 Mr. Franz. So can you guys hear me?

7 [REDACTED]. Yeah.

8 Mr. Franz. I'm sorry, but, you know, I reached out last week to find out if this
9 was going to be recorded. [REDACTED] I understand how they shifted the goal post on you,
10 but he can't sit for a video recorded interview today. He's not dressed appropriately.
11 There's no telling how this gets out into the public. The man is a man of honor. If he's
12 going to be recorded, he's going to be dressed appropriately to speak of his position and
13 also as a proper representative. So --

14 [REDACTED] Sure.

15 Mr. Franz. -- if we can have him come back another time.

16 [REDACTED] I totally understand that. I think we can stop the recording.
17 I'm going to ask [REDACTED] to stop the video recording, and let's proceed on the transcript
18 alone. Okay?

19 Mr. Franz. I'm sorry. Say that again?

20 [REDACTED]. I think we can proceed on a transcript alone and we don't need
21 to video record. I totally understand your concern.

22 Mr. Franz. So can we make -- can we have assurances that it's not being
23 recorded?

24 [REDACTED] Yes. I just stopped the recording.

25 [REDACTED] Okay, great.

1 Mr. Franz. Okay.

2 [REDACTED] Thanks. Let's proceed.

3 Mr. Guha. Hey, guys, thanks for being -- thanks for being understanding.

4 Mr. Franz. Thank you.

5 Mr. Guha. Appreciate it.

6 [REDACTED] All righty. So, let's see, let's just do a quick sound check.

7 Mr. Donohue, can you speak?

8 Mr. Donohue. 100 percent. How about everybody else?

9 [REDACTED] Let me make sure the court reporter is ready to go?

10 The Reporter. I'm ready, and I can hear everyone.

11 [REDACTED] All right. And would you like me to just start where I left off --

12 Mr. Donohue. That'd be fine.

13 [REDACTED] -- the court reporter?

14 The Reporter. Yes.

15 [REDACTED]. Okay. So I'd ask now that your counsel introduce themselves for
16 the record, Mr. Donohue.

17 Mr. Donohue. Sure.

18 Mr. Franz. Sure. Eric Franz, F-r-a-n-z, joined by Samidh Guha.

19 Mr. Guha. Eric, I'm not going to put you on the spot. It's S-a-m-i-d-h, and the
20 last name is G-u-h-a.

21 [REDACTED] And I think we have also --

22 Mr. Franz. Lisa Walters.

23 [REDACTED] We had. I don't see her on the call anymore. So if she signs
24 back on, I'll make sure for the record to have her identify --

25 Ms. Walters. I'm here.

1 [REDACTED]. Oh, okay. I didn't see you. Oh, okay. Could you identify
2 yourself for the record?

3 Ms. Walters. Sure. Lisa Walters, senior counsel, Office of the General Counsel
4 for United States Capitol Police.

5 [REDACTED]. Okay. Thank you.

6 This will be a staff-led interview, and members, of course, may choose to also ask
7 questions, if any join the call. My name is [REDACTED], and I'm an investigative
8 counsel for the select committee.

9 Before we begin, I'd like to describe a few ground rules. There is an official
10 reporter transcribing the record of this interview. Please wait until each question is
11 completed before you begin your response, and we will try to wait until your response is
12 complete before we ask our next question.

13 The stenographer cannot record nonverbal responses such as shaking your head,
14 so it is important that you answer each question with an audible, verbal response. We
15 ask that you provide complete answers based on your best recollection. If the question
16 is not clear, please ask for clarification. If you do not know the answer, please simply
17 say so.

18 I also want to remind you, as we do with all witnesses, that it is unlawful to
19 deliberately provide false information to Congress. Once the transcript is complete, you
20 will have an opportunity, you and your counsel, to review it.

21 EXAMINATION

22 BY [REDACTED]

23 Q May you briefly describe your professional background experience leading
24 up to your time with Capitol Police.

25 A Yes, sir. So, thanks, everybody, for joining the call today. My professional

1 background, right after college, at the age of 22, I joined the New York City Police
2 Department. Spent 32 years in the New York City Police Department, held every rank
3 from cadet through chief. I -- along the way, I picked up an MBA and a law degree. I'm
4 an admitted attorney in New York State.

5 In -- during my time, I professionally worked in plainclothes units in narcotics, in
6 administrative commands, as well as on patrol and police car, and spent time in
7 intelligence, in the NYPD, having spent time as -- in developing our policies and
8 developing our international liaison program and building out our intelligence analysis
9 capabilities, both for the criminal side and counterterrorism side, and also started our
10 cyber intelligence -- enhanced our cyber intelligence capacities at the NYPD through
11 Federal grants.

12 So then kind of synthesized a lot of technology and law enforcement in my final
13 position, which was chief strategy officer at chief strategic initiatives for the NYPD, and
14 retired in March, February 29th of 2020, and went into private industry and worked with
15 a non-for-profit, and joined the Capitol Police in the middle of November of 2020.

16 Q Do you currently work, Mr. Donohue?

17 A Yes. I am a senior fellow at Rutgers University Center on Policing, and I'm
18 also a COO of a small non-for-profit.

19 Q And in case the record didn't catch it before, I just want to, again,
20 acknowledge that Congressman Adam Schiff is present for the conversation. He will, if
21 he has any questions, certainly interject.

22 The -- so you mentioned joining Capitol Police in November of 2020. Is that
23 right?

24 A That is correct.

25 Q What was your role?

1 A I was hired as the director of a new position, as director of the Intelligence
2 and Interagency Coordination Division.

3 Q And for the record, we may be referring to it as IICD moving forward.
4 When did you leave your post there?

5 A I resigned in middle of April, end of April of 2021.

6 Q Did you know beforehand that they had created the position of an assistant
7 director and hired Julie Farnam shortly before if not largely at the same time as your
8 hiring?

9 A That is correct.

10 Q Okay. And what was your understanding of why they did that, why they
11 created another role, a second role within IICD?

12 A It was to -- well, what I was told is they had two very strong qualified
13 candidates, and that, you know, bringing us both on was within the capabilities, I guess,
14 of the ability to hire up in that position, so they took the opportunity to do so.

15 Q And what was your understanding of why you were brought on? So was it
16 just the retirement of Norm Grahe, the previous head of the division, or was there a
17 particular mission or goal that your hiring sought to accomplish?

18 A As I understood it, there were significant challenges that IICD, or its
19 predecessor unit IAD, it had gone through a couple of iterations, that the Capitol Police
20 Board, the Capitol Police leadership, Capitol Police Board realized that they needed to do
21 something to kind of move the organization's intelligence capacities into a better mindset
22 and a -- and achieve a cultural change, recognizing that it was not focused on kind of what
23 they believe were current threat streams. And that's what persuaded the Capitol Police
24 Board to ask for the position to enhance the USCP's capabilities in intelligence, in law
25 enforcement intelligence.

1 Q What did you think of the state of IICD when you joined in late 2020?

2 A So when I joined, one of the first things that I tried to do was to get a close
3 assessment of both the people, processes, policies, technology, training, kind of that
4 wraparound approach to see where we had vulnerabilities, gaps, and to see what would
5 be a roadmap to advance kind of the current state into something that would be in
6 alignment with what the stated goals were, which was to professionalize and kind of
7 move the intelligence-gathering capacities and improve them for the Capitol Police. So
8 doing that first-level assessment was one of the things that was going to be very
9 important for us.

10 Q And how did you assess its ability to do all of that? Was it working
11 adequately, in your mind?

12 A So I would say that the -- there was significant deficiencies, but I would
13 say -- I would qualify that, because there was some very initial observations that -- which
14 we had. It was in the middle of COVID, but virtually the entire team of 12 people were
15 working remotely, very strange for people that have the -- had a SCIF where there was
16 actually a lot of distance between people.

17 So we started going down that road of interviewing our own personnel but trying
18 to assess what their capabilities were and moving in the direction of bringing people back
19 into the office so that we could start functioning like a -- like an intelligence shop does.

20 Also saw that there were some limitations with some of the technologies that we
21 had had. Very recently, the Department had acquired some social media monitoring
22 tools, but they were -- they were -- paled in comparison to what they had had in the past,
23 but those are for other technical reasons they had to make some changes.

24 So there were -- there were -- there were those challenges at the very outset. So
25 working remotely, you know, the technology, assessing what individual skill sets existed,

1 including what sort of training they had were all on our roadmap to try and
2 professionalize what the organization needed to go forward.

3 Q And I think you've in the past talked about sort of there was a discrete focus
4 on external -- on the external terrorism world. Can you --

5 A So --

6 Q -- break that down for me?

7 A Yes. When the intelligence capacities were developed for the USCP -- and I
8 want to preface this, because the conversation that I had with the predecessor, who was
9 a -- who was not the director, it was not a directorship position within USCP, before me,
10 Mr. Grahe, was a former military man, military intelligence. And he -- his -- his personal
11 kind of experience, as he shared with me in the 1 hour kind of handoff that he gave to me
12 when he came to visit on his very last day, said his mindset was, you know, kind of his
13 military mindset, which was military intelligence and was informed very strongly in the
14 post-9/11 world.

15 So the external focus, kind of that external terrorism focus, was -- was of a very
16 high level for the people that were brought in. In addition to him saying that, my
17 observations were a lot of the skill sets for people that were on our team were either
18 from the military and military mindsets that had an external view.

19 Q And did you think that that needed to be broadened for -- or what was your
20 view of the fact that that was the focus?

21 A There were other focuses, obviously. So I think it'd be good to kind of
22 break down kind of the work that the team was responsible for. So they were, you
23 know, responsible for conducting open-source investigations on threats that are received
24 by Members of Congress, and that required some skills to do both the analysis and kind of
25 poking around at various platforms to see what could be found to help support the

1 investigating agents to chase down those threats.

2 There were those who were privy to kind of the secret materials that were in the
3 SCIF and, you know, trying to see what had an effect on either our protectees, so there
4 was, you know, kind of a protective intelligence capacities, investigative capacities.
5 There was the support that IICD, the analysts gave to the special events when they were
6 assessing what a organization would -- when they were trying to protest what was being
7 said out loud or, you know, what their -- if there was a potential for arrests or something
8 that would be important for operational personnel, and then there was a liaison focus
9 too.

10 But overarching, and I think this gets to the final answer of the question,
11 was -- the overarching focus was external kind of threats, at the external threat
12 environment. Although, we saw the lead-up to -- I saw and listened to my bosses and
13 colleagues, that the threat environment on -- in the online space had been growing
14 exponentially against Members of Congress.

15 Q In that same vein, on July 16th, your appearance before U.S. House
16 Subcommittee on Intelligence and Counterterrorism got some media attention. And the
17 media characterized it as sort of you warning Congress, in July of 2020, of rightwing
18 attacks of domestic -- the concern over domestic actors. The quote is: The
19 intersection of constitutional rights and legitimate law enforcement has never been more
20 at risk by domestic actors as it is now as seditionists actively promote a revolution.

21 Can you just talk to me about your testimony that 6 months before January 6th?
22 Was it on your mind as you were the -- shortly thereafter hired as the director of IICD?
23 Was it on the mind of your colleagues or potentially the people who hired you when they
24 selected you for that post?

25 A I certainly let everyone know when I was being hired that I had testified

1 before Congress at the request of, I think in that particular instance, Congress Member
2 Max Rose. So I stand by those comments. You know, they were -- that was sworn
3 testimony before Congress.

4 The issues about extremism and accelerationism were clearly front and center on
5 my mind and were clear -- in my mind and I believe as I had shared conversations with my
6 colleagues, that it was on our minds collectively.

7 Q When you arrived at IICD, was it mainly an intelligence-gathering operation,
8 an intelligence-sharing operation, or an intelligence-consuming operation? It can, of
9 course, be none or all three, whatever is consistent with what you saw, of course.

10 A I would say that [inaudible] --

11 Q I can't hear you. Are you speaking?

12 A -- primarily consumers of information, and that's because of the -- kind of
13 the skill sets and the obligations of the organization. I would not say that we were a
14 intelligence-sharing operation primarily because of capacity. And when I say capacity,
15 it's the ability to produce products that others would find useful and worthy of
16 consuming, right? So I'd say we were largely on the receiving end, the USCP was on the
17 receiving end of information as it was coming from partner agencies.

18 Q Is that how you wanted IICD to operate, or was the change in that, in that
19 focus, in either sharing more, in gathering more, what have you, was that one of your
20 goals?

21 A So, ideally, we were move -- we would be moving towards a largely
22 self-sustaining professional intelligence shop. And what does that mean? Moving
23 from one where primarily people are listening to what is being said and trying to make
24 sense of it to where we were collecting, and being able to understand our operating
25 environment through the data that we collected or information that we were observing

1 independently, and then ideally being able to produce products that the rest of law
2 enforcement would seem -- would believe were worthy of consuming.

3 So that was the -- that kind of audacious goal is to make us a contributor to the
4 intelligence community, the law enforcement intelligence community. Yeah.

5 Q Were there any changes instituted by you or Ms. Farnam upon arriving at
6 IICD? If there were, what were they? What were the purposes behind the changes?

7 A So there was -- obviously you can't walk in and kind of rip down every wall of
8 a structure. There is a learning curve, obviously, when you're coming into a new
9 organization to try and get our handle around who was working in our team and their
10 capabilities.

11 We -- we deliberately tasked people outside of their comfort zones to produce
12 different types of reports or to engage in different type of analyses or to leverage some of
13 the technologies that they may not have been comfortable with for people to get a sense
14 of -- for us to be able to get a sense of how people were capable or not, as well as kind of
15 having them -- you know, being able to assess what their analytic skills are as well as their
16 writing skills, and to see whether they would fall into -- you know, what sort of projects
17 would be -- have them capable.

18 We also saw some redundancies. I think there was one report that we
19 had -- that we had stopped producing. There was a lot of kind of one-offs. And there
20 was also a lot of -- I wouldn't say a lot. There were also some people of IICD who were,
21 while working remotely in different places, had a lot more latitude in producing products.

22 So it wasn't -- so we took those, as any management should, kind of get a sense of
23 who's got what capabilities, tasking people to push them beyond where they have, and
24 we also assessed what their training was.

25 Q These changes, how were they received by your team?

1 A I'd say, by some members were appreciative of having the opportunity to try
2 something new. There were others who were less so.

3 Q So, you know, you talked a little bit about putting analysts out of their
4 comfort zone. What say you to the idea that analysts may have been removed from
5 their specialization, you know, in an attempt I think to make them more generalist? So
6 as in, was there a team specializing in open-source searching that was disbanded, or an
7 analyst such as Deborah McLellan (ph) previously focusing on demonstrations taken off
8 that specialization? And what would you say about that, what the wisdom behind those
9 moves was?

10 A I would --

11 Mr. Franz. Hold on one second.

12 [Discussion off the record.]

13 Mr. Donohue. In making the decisions to see who has what capabilities and who
14 can adapt to the change that the organization had tasked me with, yes, there were some
15 decisions that were made to take people off of certain projects and to see whether they
16 had skill sets in other places.

17 BY [REDACTED]:

18 Q You mention that part of the team was pleased, part of the team was not.
19 Did that lead to any either sort of dysfunction or resentment between members of the
20 IICD that were either significant or ultimately affected the work environment there?
21 What would you say to that?

22 A So I don't want to speculate what some people may have thought. I've
23 been in conversations with some members of the team, they were very happy that they
24 were finally being given guidance and others who were very comfortable in working
25 remotely and having their way of doing things that was set in stone.

1 And I started by saying that there was a very small shop that was not working as
2 efficiently and certainly hadn't been in an office to share information with their
3 colleagues in a year -- well, 11 months or so. And that becomes complicated in an
4 intelligence organization where sharing is incredibly important, especially with such a
5 small team.

6 Q And I think, correct me if I'm wrong, would you use the phrase that it was
7 a -- in your mind, not a high-performing team at the time that you joined?

8 A That is correct.

9 Q Okay.

10 A And I would use that word.

11 Q And so --

12 A It was not a high-performing team.

13 Q So what I want to try to get an idea of is, by the time we hit January 6th, I
14 understand you're in the role maybe, what, 60, 70 days by that point. There are
15 changes that you've lined out for us that you attempted to make. There were goals that
16 you were trying to move toward, and it sounds as though there were some also -- maybe
17 some personnel conflicts, some unhappiness in the team by some analysts.

18 These issues that were plaguing the IICD, both structurally, as you mentioned, and
19 all the way down to interpersonal, were they still present by the time January 6th
20 occurred? So I'm trying to get a feel for, does January 6th happen in the midst of a
21 lot -- you know, of trying to make change but not completely having successfully moved
22 IICD to where it needed to be in your mind?

23 A Change and strategic change takes time. It takes -- as I said, that cultural
24 mindset needed to shift. That cannot happen in 50 days. Actually, I think it was
25 exactly 54 days when January 6th happened in my time there. And having been the

1 chief strategist for the New York City Police Department in an organization that is very big
2 and has very strong culture, I could also see that there was very strong grounding for
3 some of the people that were in the unit.

4 I am -- it is clear that things needed to change because the threat dynamic that
5 the organization was focused on had pivoted so dramatically in a very short period of
6 time but hadn't wrapped itself around it.

7 Q Can you go into that for me? What do you mean by that?

8 A I'm referring to -- I would refer back to my testimony on July 16th, and the
9 experiences that I shared with Norm Grahe when he was walking out the door and
10 understanding what his cultural mindset was.

11 Q Got it.

12 A So understanding how the world had changed.

13 Q So could you then break down for me why you think that the organization
14 hadn't moved fully to where you needed it to be in terms of seeing the threat from
15 domestic rightwing extremist groups?

16 A I -- let me think about that for a second.

17 Q Of course. No problem.

18 [Pause.]

19 A I would say, change doesn't happen overnight, and leading the team towards
20 what that ultimate goal would be had to take time. And I want to stress, you know,
21 when you think about the amount of time that I had there, literally 50 days, exclusive of
22 three Federal holidays and the swearing in of a new Congress, which I think, you know,
23 are all kind of in that context.

24 I also think it's -- you know, in recognizing that no organization, particularly one as
25 dynamic and important as the Capitol Police, can change that quickly, but we -- we did.

1 It -- it is, and while I was there, a work in progress.

2 Q Is there anything else other than, you know, and you've talked a little bit
3 about it, the focus, trying to shift the focus, based on your testimony in July, is there
4 anything else that you think, given its issues, either in, you know, doing more than just
5 consuming intelligence, the training issues, the, you know -- its products not being
6 accepted or not being well reputed outside the organization, any of those things that you
7 feel by the time January 6th happened that it affected, it affected the planning, the
8 preparation for January 6th because the IICD had not, as you mentioned, in 50 days
9 gotten to where you think it ought to be?

10 A My first day there isn't the point in time that -- where sea change could be
11 measured from, right. I think you point to a number of different things that had to
12 happen from day one when I was there and when the organization, when USCP realized
13 they needed to professionalize and change their focus. But I think it would be -- I think
14 it would be impossible to draw a direct correlation between capabilities that did not exist
15 in the IICD or in the Capitol Police to the events of the 6th.

16 Q Did you feel the timing was unfortunate, you know, given that this is an
17 organization or division that is, you know, trying to get its sea legs, and that for an event
18 like this, obviously an unprecedented event like this to have occurred so early in that
19 process of trying to improve?

20 A I would say, of course. You know, timing is just about everything. But I
21 would caution that, you know, if other people had taken it, it doesn't -- you know, it
22 doesn't matter. There still would've been that roadmap to try and get them to a place
23 where there were adequately trained personnel, adequate number of personnel,
24 adequate technologies, and a environment where intelligence consumption
25 and -- is -- production and consumption are harmonized. And it was -- that was not

1 a -- you know, exclusively an intelligence function. There's the production and then
2 there's the consumption.

3 Q In the lead-up to January 6th, how would you characterize the influence IICD
4 and intelligence more broadly had on the operational side of the department?

5 A I can say we gave at least two briefings with operational leaders there. I
6 would leave it to them to -- to -- I wouldn't want to speculate what they're saying. But I
7 would say, knowing that the reputation of IICD prior to both myself and Julie's hiring had
8 been solo, that there still was no time for others to understand what we were providing
9 them, and I think that may have had some implications on how people consumed or their
10 willingness to consume what they were hearing.

11 Q Are phrases -- you know, is it fair to say IICD was considered a joke within
12 the department?

13 A I wouldn't have taken a job if it was a joke. What I would say is that it had
14 its challenges and they were significant, given the people, the technology, the lack of
15 training, and the mindset within IICD. I can say that I heard other people refer to it as a
16 joke.

17 Q Is it fair to say that they were somewhat siloed by IICD from the rest of the
18 department? And, if so, speak to me about that.

19 A They were. IICD's -- the head of IICD worked in the SCIF, in a room off from
20 the main part of the SCIF. Another sub unit worked on the second floor, when they
21 were there. Obviously, they had left middle of March at the start of COVID. So the
22 physical separation, the isolation of the person who formally ran the organization were
23 things that I think contributed to the stovepiping of that environment.

24 There were individuals when we were there would say that they knew an analyst
25 and they would always go to the same analyst because they were competent enough to

1 assist them in, you know, doing some sort of research. So they were -- there were
2 workarounds to get to competent people who were in IICD that could help, investigators,
3 for example. But one of those substantive yet symbolic changes was to put me in the
4 middle of the investigative floor, and Julie, you know, in offices where anybody could
5 come and see us at anytime.

6 Additionally, I gave my phone number out to anybody who wanted it. The idea
7 of intelligence is to both share it and to collect it but to also to do it in a way that's
8 consumer -- consumer focused, and that's what was happening with us, making products
9 readable and meaningful to those who would consume.

10 And I use an example of formats for how we would produce reports, you know,
11 check the boxes or use formatting -- a form when you're going through, say, an
12 investigation, which is one of the improvements that were put in place, and formats for
13 some of the reports that -- the consumables that we were putting out for people pre and
14 post 6th.

15 Q You've talked before about not being sure that, you know, folks on either the
16 leadership or the operational side of the department were sophisticated consumers of
17 intelligence and that that might have been an impediment. Can you talk me through
18 that, please?

19 A Yeah. And it's a little bit in what I would say is -- when I say consumers,
20 there is a -- there should be an interaction. There should be a sharing of information,
21 how an analyst honestly perceives and how they've constructed what their assessment is
22 with a -- with the people who would make decisions based on that. And sharing an
23 assessment or observations should help frame some of the questions that a sophisticated
24 consumer or one who has been receiving better prepared intelligence would react to.

25 And some of the ways that that grows are examples that I've had when I was

1 working in intelligence in the New York City Police Department, where you would collect
2 information on -- you know, open-source information on an event and share that with
3 peers that would make decisions and then share that information with their subordinate
4 commands.

5 But you would say, you know, there's an event. We see an event that's
6 happening, it happened last year, same time, only this year we see there's a lot more
7 people and there's an opposing group that's going to show up. Sharing that
8 information, say, oh, okay, someone who is not sophisticated in consuming would say, oh,
9 I understand. So there's maybe counter-protesters.

10 A follow-on question would be, what are they saying? What are they -- what is
11 motivating them? How many would there be? Do we see that other counter-protest
12 group acting in other ways in other places? What else have we seen? And drawing
13 analogies so that your -- the operational commanders are pulling out from the
14 intelligence person as much information as they have or tasking them where there are
15 gaps to try and fill them.

16 That's the give and take that a high-performing intelligence operation, meaning
17 the collection, production, and consumption, would kind of feed that loop. That way we
18 know what the gaps are, that intel that operational commanders want to hear and need
19 to make good decisions and -- or informed decisions. I don't mean to say good
20 decisions; you just have to make an informed decision. And how intelligence fits into
21 that.

22 Q So to close that loop, is it fair to say then that that expectation of how you
23 would -- of how sophisticated consumers of intelligence might interact with what you're
24 telling them, that you did not have those interactions after briefing the -- either
25 leadership at Capitol Police or the operational side of the department? Is that fair?

1 A That's fair to say.

2 Q Tell me if this is also correct: I think you've mentioned before that, you
3 know, there are certain questions that you would expect, but that often there were no
4 questions at all after an intelligence briefing.

5 A So when we were -- specifically in the lead-up to the 6th, there were no
6 substantive -- there were no questions to myself or Julie with regard to the events that
7 were planned on that date, with the exception of, you know, how many groups would be,
8 you know, asking for permits. It was a very -- it was not a sophisticated conversation
9 where we would be tasked with answering harder questions or ones that might exceed
10 our skill sets or tasking our analysts to go back and kind of further that.

11 Q What was the process like? Was it very routinized or sort of was it ad hoc
12 by which you -- the intelligence side was to communicate its findings with leadership or
13 with the operational side? I know you mentioned that there were two briefings before
14 January 6th. Were -- is that it? Are those two briefings the full of it as to how
15 intelligence was supposed to get to that other side?

16 A No, no, no, no. So there was the preliminary reports that were shared and
17 then a written report that was similarly shared, and that was what was briefed. So the
18 report, I forget the dates, there was one that went out in advance of our briefing
19 on -- during the week of the 26th or so, 25th, before -- before --

20 Mr. Franz. New Year's.

21 Mr. Donohue. -- New Year's. And then the report that was sent out to
22 leadership on the 3rd with the briefing -- I'm sorry, on the 4th with the briefing in the
23 afternoon or midmorning of the 4th.

24 BY [REDACTED]

25 Q Right. And so then you're talking about the written threat assessment that

1 IICD produced, correct?

2 A Yes, sir.

3 Q All righty. So is that -- so those are the three ways is what you've listed,
4 right? Two briefings, one in late December, one in -- on January 4th, and then, of
5 course, the threat assessment that was what you briefed leadership and others on on
6 that January 4th call.

7 So my question to you is: Were those briefings -- you know, are they -- at the
8 time were they regular? Was it, you know, we're going to meet once a week? Were
9 those ad hoc? And was there anything outside of those three things how you were able
10 to get either intelligence to the leadership, so on the 5th, on the 6th, now that you've
11 already done the call, you've already done the threat assessment? What was the
12 process by which you were to inform them, and was it routinized? Was it
13 institutionalized?

14 A No. And let -- I want to be clear. What had happened in the prelude to
15 the 6th is -- was -- meaning those two briefings and the written report were exactly the
16 way a professional intelligence organization should share its assessments in how things
17 were changing and how dramatically they had been -- they had been -- kind of the volume
18 and tenor of the online kind of dialogue.

19 So that sort of briefing is a -- is a -- is something that, from what I understand, was
20 unusual in the Capitol Police until Julie and I got the new positions, and that may have
21 actually contributed to some of the -- may have been a reason why it was unusual for
22 people to hear what we were saying.

23 I know that many operational commanders had stopped going to the formerly
24 held intelligence briefings that were run by IICD prior to COVID, because there were some
25 who said that it just wasn't worth their time, there wasn't a lot of good information that

1 was coming out of them.

2 So with that having been said, information flowed from IICD through the
3 commander of protective intelligence, Sean Gallagher, and then through the chief
4 of -- Chief Pittman to get to -- ultimately to get to Chief Sund.

5 So the question of how we can communicate was either by verbal, because Chief
6 Gallagher was on the same floor as IICD, where myself and Julie were literally right
7 outside of his office. And the operational commanders for protective intelligence
8 literally sat across the hall from me at the time, so those who have -- I'm sorry, protective
9 detail.

10 So being out in that floor we were able to have ad hoc conversations, but the
11 formal sharing of, you know, distribution of that was through that email chain and
12 through that -- through the verbal briefings, meaning those phone calls. And then
13 obviously additional information, as it came in, we shared verbally or through an email
14 with the chiefs.

15 Q What was your understanding of the process for sharing intelligence with
16 the rank and file? How did that, if it did, occur?

17 A So my experience would have been, and the way I understand it, the way
18 most police agencies operate with regard to intelligence, it comes in, you know, held by
19 people who have kind of the ability to contextualize it and then share that in a way with
20 the operational commanders.

21 Operational commanders would then share that information within their world
22 view. So people that have, say, the House division, the Senate division, any of the other
23 operational divisions would hear what was read out by their supervisors who hopefully
24 had, you know -- and this is, you know, at a high-performing level -- would've taken notes,
25 would've seen the products and distilled it to their staff in a way that was -- allowed them

1 to communicate the important points of it for them. So in a hierarchy, right --

2 Q Yes.

3 A -- it would spread out in that way.

4 Q So in terms of the written product itself, and it wouldn't reach necessarily
5 the rank and file, the thought process was that the -- their -- their leadership would distill
6 it for them verbally at roll call or at other places, yep?

7 A And that is both my experience in policing and what I would believe to be
8 the case, which is why you have a phone call with executives and allow them to distill it
9 for the context in which their personnel would be working.

10 Q What were you seeing in the intelligence leading up to January 6th? So if
11 you could just, you know, broad strokes, when did you start to notice that the event
12 might pose a significant threat, and what were some of the things that you were seeing
13 that led you to think that?

14 A I would say the intensity, the frequency, and the tone of things as they
15 were -- as they were developing. I don't want to -- I don't want to look through the lens
16 of what happened now. I want to put myself in that timeframe before the 6th.

17 Clearly, the tenor and the frequency of the postings were concerning and were
18 coming at us from -- and I say "us" -- coming at us from a lot of different places: from
19 our colleagues in the Metropolitan Police Department; from our colleagues in the NTIC,
20 which is the National Threat Intelligence Center; the D.C. Fusion Center; from our
21 colleagues over at the NVRIC, the Northern Virginia Regional Intelligence Center; and
22 colleagues in the Maryland State Fusion Center; as well as my colleagues from my years in
23 policing from New York and Philadelphia and other -- when you're seeing that come from
24 so many places, it was raising levels of concern.

25 My personal point where I became very concerned about the events of -- that

1 were presented -- that were coming to a head what would happen on the 6th was the
2 event of a person who was arrested in Arlington, Virginia, at a hotel. I believe it was on
3 January 1st. He was from the middle-of-nowhere, New York, and said he had drove -- in
4 his Mirandized statements, the police who arrested him at the time, for letting rounds go
5 in that parking lot from a -- what would be commonly called an assault rifle -- he said, I'm
6 here to protect Donald Trump.

7 That -- that was something that gave me grave pause for concern, having people
8 say that's why they were present and present with weapons was what changed the
9 dynamic for me, and as I said, that happened on the 1st.

10 That is when it was very clear that there was something much more afoot that we
11 needed to be worried about, because people were actually materializing coming down
12 there, talking about the then-President, and bringing guns with them and acting in ways
13 that were specifically, you know, related to the Presidency.

14 Q Touching on the former President, did you or your analysts notice anything
15 shift or change after his December 19th tweet in which he publicized the January 6th
16 event and said, be there, it will be wild? Do you recall how that affected things?

17 A It certainly changed the tenor and our understanding of -- what that means
18 is he -- there was a personal involvement by him saying that, you know, the -- the -- we
19 did not know whether or not the President would actually be attending the events on the
20 6th. That was not something that was immediately apparent. But his -- that particular
21 tweet was definitely noticed by people in the intelligence community and by IICD.

22 Q Can you just go through a little bit of the tenor you were talking about?
23 You said frequency but you also said tenor. What was it that you were seeing in terms
24 of that was concerning?

25 A There were reports that we had received from -- and -- from our colleagues

1 in other intelligence organizations -- from other law enforcement organizations, I should
2 say -- that were passing a lot of the information that was in open-source channels, as well
3 as that raised that concern about talking about how people should engage in
4 communications security, COMSEC, how people should engage in operational security,
5 OPSEC.

6 There was terminology that was used that spoke, you know, about, you know,
7 defending freedom but was, you know, always attendant with the idea of, you know, we
8 have to go there and defend people, which when you put it in a context of some people
9 saying to come armed, others -- people saying to defend their rights, they were used in
10 ways that raised our concerns that people may be coming armed.

1

2 [3:10 p.m.]

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BY [REDACTED]:

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Q How did you get information or receive mostly, you said, information from intelligence agencies or law enforcement intelligence divisions? You listed some. What was the process by which you stayed in contact with them? And was what they were seeing in line with what you were seeing, or was there anything new or startling that they provided that you did not have access to prior?

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A I would say that our -- I'd give one specific example that was incredibly helpful, and cut through some of those -- that the -- that was very helpful for IICD and the Capitol Police, is when NTIC embedded their analysts with us and being able to help us, knowing what they would see and then what we would see. For information that was coming from some police agencies, some was the same. Some of it is what we call circular reporting. It's something that you surely said with somebody else, and it comes back around.

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And given the volume of things that were being said online, I don't think there's one place where it's all been collected. But a lot of what we saw, a lot of what we shared from other law enforcement agencies supported our growing concern that there could be -- well, what we ultimately wrote, that there could be violence.

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Q What about FBI and DHS, INA? I hear -- you know, you have listed a lot of local -- Federal partners, but, you know, local D.C. area partners. What about those two, you know, big, sort of intelligence, Federal intelligence agencies? Were you in contact with them? Did they contribute to the threat picture in any way, or were you siloed from them?

25

A So the USCP was not siloed from them. There's, you know, our people who

1 are embodied in the Joint Terrorism Task Forces, as well as our people who were in
2 the -- the one analyst who was embedded in the NTIC.

3 So there was conversations, but I would say we didn't receive a lot of information
4 in the form of written products from FBI specifically or INA; but INA does produce some
5 good information for consumption, and they were framing things. Obviously, I do want
6 to say that there was a lot going on in the lead-up to the 6th from that threat picture. I
7 think it's worthy of mentioning it here.

8 We were in the middle of a SolarWinds attack. That had just happened. There
9 were the attacks on the residences of the Majority Leader and the Speaker of the House,
10 Majority Leader of the Senate and Speaker of the House, and then we had the Nashville
11 bombing. All of those were kind of active investigations, and, you know, the FBI has a
12 lot to do in the investigative part of it.

13 What we were seeing was much more akin to what a law enforcement
14 organization, not in an investigative capacity, but in an intelligence capacity certainly,
15 would be more apt to seeing and concerned about with the way it was playing out on
16 social media.

17 So I'm not diminishing the Bureau or DHS. I'm distinguishing kind of the
18 functionality and how they're arranged. As I said a little bit earlier -- and I would refer
19 back to that -- the questions that you asked as a police official, police chief, a person who
20 has got to kind of do that sort of protection of physical building, et cetera, is somewhat
21 different than the intelligence that would be garnered from an intelligence operation that
22 would have, say, human intelligence.

23 Q So can you go into that a little bit? What about the way that the FBI or
24 DHS, INA, their mission, the way they're structured, you know, would not be as apt as
25 potentially the, you know, intelligence divisions in a law enforcement agency, like United

1 States Capitol Police, or maybe Metropolitan Police Department, what about their
2 mandate or if they have, you know, restrictions, Federal restrictions on the gathering of
3 intelligence, particularly in the domestic space? What makes them different, do you
4 think, and not as apt to pick up on things that maybe you or the Metropolitan Police
5 Department or NTIC could pick up on?

6 A I don't want to comment on the FBI's mandates or missions or
7 responsibilities because I can't -- I cannot speak competently to that. But I can speak
8 only to my experiences, and I would just refer back to what I just said. You know, law
9 enforcement is going to ask different questions from a protective standpoint than, say, an
10 investigative kind of body would retrospectively. And I would just leave it at that.

11 I think, you know, I gave -- one of the things that you quoted me about was the
12 intersection of civil liberties and law enforcement that have been sort of at a crossroads,
13 and it was because the idea that people can speak freely online and have their freedom of
14 assembly, freedom of speech doesn't mean that you can't protect. You just have to
15 know what you're looking for and what are the right questions to ask to fulfill a protective
16 mission.

17 Q Donell Harvin, the head of NTIC, said he reached out to you in the days
18 leading up to January 6th to discuss, you know, what they were seeing to sort of share
19 information.

20 Do you recall speaking to him and, you know, what you two discussed, you know,
21 his tone, how you reacted, that sort of thing?

22 A Yes, I do remember talking to Donell. We were in frequent and routine
23 contact. I believe -- well, you know what, I don't know what our exact conversation was,
24 but I think we both were very concerned, highly concerned about what we were seeing
25 more broadly.

1 Q So, ultimately, the threat picture that NTIC was able to provide to Mayor
2 Bowser and chief of the Metropolitan Police Department, Robert Contee, led to the
3 request for the D.C. National Guard, led to full activation of their officers. It led to
4 certain operational changes that would, at some point, lead to a curfew being put in place
5 on January 6th, and also, you know, announcements that counter protestors stay home
6 and not go out into the city to mix with the pro-Trump demonstrators on January 6th.

7 So it led to a lot of operational changes, some of which were quite successful.
8 The time it took for the Metropolitan Police Department to respond to the Capitol was
9 very quick to assist once the breach happened.

10 I'm trying to get a feel for if the positioning was not the same at Capitol
11 Police -- and, of course, if in your view it was, that operationally, Capitol Police was as
12 prepared as they could be given the intelligence, then certainly say that. But to the
13 extent that it wasn't, to the extent that the same intelligence led to some preparation for
14 the Metropolitan Police Department that did not do the same with Capitol Police, I'm
15 trying to figure out what in your mind was the difference?

16 A Let me -- if you could refine it. So are you asking me as a former
17 operational commander, or in my role at IICD? Because one would suggest I would
18 speculate because I don't know decisions that were made at the high levels and vis-à-vis,
19 what decisions were made in MPD. So both of it actually require me to speculate, and I
20 don't want to go down that road.

21 Q Well, to the extent -- you mentioned you don't know what happened
22 operationally, that this may be a platform for you to talk about that. Maybe that's a
23 problem, that the head intelligence person doesn't know what -- you know, what
24 ultimately led from the warnings that you were giving.

25 So I guess what -- you know, if you're comfortable surmising, you can speculate, to

1 the extent that however much you feel comfortable because I am asking your opinion
2 basically from your vantage point what you think went wrong because that's, ultimately,
3 our mandate is to try and figure out what went wrong so it won't happen again.

4 So given the fact that you are sort of the point of failure for intelligence getting to
5 the operational and to the leadership side, and to the extent you could give us any sort of
6 insight how or why that -- do you believe it, do you believe it true that it did not
7 fully -- was it fully operationalized to the extent that it should be? If you could give us
8 some insight into that, we would be most appreciative.

9 A I would say knowing that -- and I could speak about this from policing more
10 broadly, so I'm not going to put it in the box of -- exclusively in the box of the USCP.

11 The intelligence capacity, in most police agencies, has a direct line to the chief,
12 and I think what -- and although there was no prohibition in place for, say, me to pick up
13 the phone and speak to Chief Pittman or Chief Sund, that wasn't explicitly the chain of
14 command. It was I, you know, would share it with Chief Gallagher and the extent to
15 which, you know, we had conversations with Chief Pittman, share with her.

16 So, I think the way intelligence was shared prior versus when we were -- when we
17 first kind of put these steps in place, I mean, the ease with which the intelligence capacity
18 can have a dialogue with leadership more routinely so they understand what capabilities
19 exist at an intelligence level, begin to be comfortable in asking questions so that there's
20 kind of this feedback, which we absolutely put in place post 6th, I think, you know, that
21 was all on that roadmap to get us into a much more higher performing organization.

22 But some intelligence has to be shared with those who need to know, you know,
23 where there's a need for privity, and which is why an intel function usually goes direct to
24 a chief.

25 And I think that was going to be on the roadmap for IICD and intel more broadly

1 within the USCP. I don't know if that's been executed on or if it's still in the
2 conversation stages.

3 Q Well -- and I know you left in April, but it's my understanding -- and I don't
4 know if this happened before April -- that there -- you know, there may even be daily -- I
5 think there are daily briefings now, and there may have been at the time before you left
6 maybe a weekly briefing. Is that right?

7 After January 6th, did things change in terms of the seat that IICD had at the
8 table?

9 A Dramatically and for the better. We were giving near -- and I say
10 near -- daily briefs in advance. We were giving daily leaves in advance of the
11 inauguration. We were clearly giving briefs to the staff -- the officers. I personally
12 gave briefings to every officer in the entire USCP over the course of a week-and-a-half
13 period because of all of the different tours and shifts and when people were working.

14 So the mindset of intelligence rapidly, you know, had to -- you know, we faced
15 that very real question of what do you need to know and how can we understand what
16 we're seeing. That was the intel component. And, frankly, I think there was a lot of
17 great questions and good synergy that came out of it. And those questions that came
18 from operational commanders forced me, Julie, the staff, to come back and fill gaps when
19 they were asked.

20 Q And they were --

21 A And they were much broader, so yeah --

22 Q No. Go ahead. They were much broader?

23 A Yeah. They included people from the Sergeant at Arms offices.

24 Q It's fair to say, then, January 6th was the catalyst for that change happening
25 so rapidly since it was January 6th that led to those immediate changes? Is that fair?

1 A I think there's a very -- it may have been on the roadmap. That roadmap
2 and time frame was accelerated to literally overnight, and appropriately so, given what
3 we -- you know, all of the things that we were seeing still on social media, even when
4 things -- you know, to some degree when some of the platforms deplatformed people,
5 we didn't have as much visibility. But, clearly, where we did have visibility, there were
6 still concerning statements that were being made.

7 [REDACTED] If I could?

8 [REDACTED] Go ahead.

9 BY [REDACTED]:

10 Q Hi, Mr. Donohue. I know you mentioned that --

11 [REDACTED] We can't hear you, [REDACTED].

12 Mr. Franz. We can't hear you.

13 [REDACTED] You're fading in and out.

14 [REDACTED] Can you now?

15 [REDACTED] Better.

16 [REDACTED]. Okay. Good.

17 BY [REDACTED]:

18 Q I know that you just mentioned that were -- [inaudible.] Do you remember
19 attending any meetings with the House Sergeant at Arms [inaudible.]

20 [REDACTED]. I think, [REDACTED], you wanted to ask if he had any meetings with the
21 House Sergeant at Arms before January 6th?

22 [REDACTED]. Right.

23 Can you hear me now?

24 [REDACTED]. Yes. Now you're good.

25 [REDACTED]. Great. So it must have been my earphones.

1 BY [REDACTED]:

2 Q The question is, prior to January 6th, do you know if the intelligence about
3 January 6th was shared with the House Sergeant at Arms or the Senate Sergeant of Arms?

4 A I believe there was something sent from Chief Gallagher to the offices. I
5 don't know who received it at the Senate or House Sergeant at Arms offices. I had only
6 met with Mr. Stenger and his staff once before the 6th, maybe twice, and the House
7 Sergeant at Arms only once in his office. So personally I only had like meet-and-greets
8 prior to the 6th.

9 Q And were these meetings about January 6th, or were they just general
10 meetings?

11 A They were not -- they were just general meetings. They were not
12 specifically the 6th.

13 Q When you say you believe it was sent on to them, did you and Chief
14 Gallagher have any conversations about the Sergeant at Arms meeting breached into the
15 intel that you had?

16 A What he said is that he sent the report out when it was my belief, that's my
17 understanding, that it went to the Sergeants at Arms. That's what I was led to believe.

18 [REDACTED]. Thank you.

19 Mr. Franz. Why don't we take a break.

20 Hey, [REDACTED]?

21 [REDACTED]. Yes.

22 Mr. Franz. Can we take a break?

23 [REDACTED]. Of course.

24 Mr. Donohue. I want to get a glass of water.

25 Mr. Franz. How much longer do you think you're going to be?

1 [REDACTED]. Maybe -- I scheduled 3 hours, so I think I'm going to use the full, so
2 just another hour and a half, if that's all right.

3 Mr. Franz. Yeah, okay.

4 Mr. Donohue. I'm going to get some water.

5 [REDACTED]. Yes, of course.

6 And we'll be off the record.

7 Mr. Franz. Okay. In light of that, we'll do 10 minutes. It's 3:27. Why don't
8 we come back at 3:40.

9 [REDACTED]. All right. Sounds good to me.

10 Mr. Franz. Thank you.

11 [REDACTED]. Of course.

12 [Recess.]

13 [REDACTED]. We can go back on the record.

14 BY [REDACTED]:

15 Q So, Mr. Donohue, to your recollection, did any organization in the
16 intelligence community or law enforcement, other than yourselves, of course, produce a
17 written threat assessment that reached you prior to January 6th?

18 A No, none that reached me prior to January 6th.

19 Q Okay. Was that a problem?

20 A When you say a threat assessment, you're talking a refined intelligence
21 product?

22 Q Yes.

23 A Not warrants or intelligence?

24 Q No. I'm --

25 A I would say no.

1 Q Something related to the January 3rd threat assessment put out by IICD, did
2 anything like that -- did you get anything like that before January 6th?

3 A No, sir.

4 Q All right. And was that a problem, as in would it have helped if ones had
5 been generated by the FBI or DHS, INA, for example?

6 Mr. Franz. What? Could you say --

7 Mr. Donohue. So, if somebody had done -- if another law enforcement gave us
8 deeper insights, would that have been helpful? Clearly. I mean, I'm very comfortable
9 in saying, you know, in assessing any potential event, you want to have as much
10 information as you possibly can. And if there was something that was done by another
11 agency, it would have been great to have that.

12 BY [REDACTED]:

13 Q Do you have any insight as to why one was neither created nor distributed?

14 A No, no idea.

15 Q Was the lack of one given, you know, your experience, surprising or
16 frustrating for you in the lead-up to January 6th? Was that a gap that you, yourself,
17 realized and identified?

18 A I think at the time, knowing that there was a lot of information being shared
19 among and between, not so much. But, in retrospect, I think it would have been great.

20 But I would also -- and I just want to focus on IICD and USCP for this one specific
21 answer. No one has the obligation to Congress and to protect Congress like the USCP.
22 So our world view in producing our assessment was given that framework. I mean, the
23 USCP is unique among law enforcement organizations as it's the only legislative branch
24 police agency with, you know, the responsibility to protect Congress.

25 Q Right. Are there any restrictions, Federal or local, that guide IICD's

1 collection of intelligence, like other agencies within the IC community, intelligence
2 community?

3 A For things that would prevent -- so there are policies that are in place for a
4 lot of law enforcement organizations. The professionalizing of what IICD and USCP
5 would do with respect to collection of intelligence, I think there could be more policies
6 written, clearly; but at the time, we were operating underneath what the construct was.
7 And I would have to go back and look exactly what the -- what it was prior to the 6th.

8 Q Well, certainly, ultimately, in the threat assessment -- and, you know, the
9 line that's focused on the most, we'll get to it in particular, but about Congress being the
10 target, certainly it did not appear that any of those restrictions inhibited your ability to
11 come away with the threat picture that you guys did. I wonder if you could speak to
12 that. Why not? Why was that not a hindrance?

13 A Oh, okay. Now I understand.

14 So the idea of collection, collection on Open Source and the various social media
15 platforms, we, meaning the USCP, in our mission to protect and assess what the
16 likelihoods are of events that are occurring in and around the Capitol Complex is really
17 what our focus is.

18 So similar to law enforcement that are protecting buildings and people, you use
19 what's at your disposal to develop information that can help you assess the, you know,
20 threat, the potential of danger, whatever words you want to use, against the facility,
21 against the person.

22 I think -- and, certainly, in laying out what we were looking for during the lead-up
23 to the 6th was a broad kind of understanding of what's the environment against -- and
24 what could happen, you know, potentially to our protectees or around the Capitol.

25 I think other organizations may not have that sort of either outlook or that

1 capacity. And I'll refer back to my testimony that I gave back in July of 2020, which is,
2 you know, this civil liberties argument about, well, what can you look at versus what
3 should you look at, if it's online and it directly impacts our protectees or our mission and
4 it's Open Source, it's kind of fair game.

5 It didn't mean we opened up an assessment on individuals based on activity that
6 they said, but we may have opened up investigations on people who leveled direct
7 threats against lawmakers, or that could be construed as threats against lawmakers and
8 use that as a mechanism for -- you know, because we have to investigate those threats.
9 That clearly is in the realm of responsibility of the USCP.

10 So, I think it's the competing question of we need situational awareness, but we're
11 not collecting to inhibit people's speech. We were doing it for specific reasons.

12 Q So to that end, you know, do you see -- is there value in nonspecific,
13 noncredible threats in assessing, you know, the threat landscape and coming -- putting
14 together a picture that may not lead to any investigative actions, you know, getting a
15 warrant, knocking on someone's door, but, nonetheless, has utility in being stitched
16 together in some sort of threat assessment so that people can -- organizations can
17 operationally, strategically, you know, plan around it?

18 A You just -- you used some very good words, and I want to parse it out.

19 Absolutely more information in determining kind of -- I'll use the word, the
20 environment, the atmospherics. More information helps understand that, and visibility
21 into an understanding of what's transpiring in the Open Source world -- and I'll use social
22 media -- I use the word "Open Source," but I also mean social media -- is crucial to
23 understand that.

24 And that's because we're thinking about intelligence three ways. There's
25 strategic intelligence, which you touched upon. There's operational and tactical, and no

1 one wants to be blinded, or be blind, to what's happening broadly in the world because it
2 helps put things into context.

3 So thinking about what is being said and kind of the tone online and how many
4 people are wrapped up into a particular thing, like, you know, you can think about how
5 people have leveraged -- read it for, you know, meme stocks, it's understanding that that
6 has consequences in kind of the real world.

7 So strategically, you need to have an understanding that what's being said can
8 influence the dynamics. It can lead you to operationalize -- operationally do something,
9 but, obviously, a lot of what didn't exist was really good tactical intelligence in many
10 respects for, like, the who, the exact what. But the atmospheric is crucial to
11 understand. And that helps contextualize when you see things that are materializing in
12 front of you.

13 So I think the word "strategic intelligence," you know, is really important in that
14 concept.

15 Q All right. So let's talk about the -- it's exhibit 4, but the threat assessment,
16 the final threat assessment for January 6th that was completed on January 3rd. What
17 role, if any, did you play in drafting or developing the document?

18 A I started the staff to start putting it together, reviewed some of the changes
19 as they came across, you know, made some minor edits along the way, and sent it when it
20 was finalized -- you know, when it was finalized, shared it with the executive staff.

21 Q What role did Ms. Farnam play in either the drafting or the development of
22 the document?

23 A She's one of the primary drafters.

24 Q Do you recall whether the initial sort of draft that had gone through both
25 you and Ms. Farnam didn't have that final paragraph and that Deputy Chief, at the time,

1 Gallagher, Sean Gallagher, asked you and Ms. Farnam to draft that sort of final paragraph
2 and insert that into the document?

3 Does that ring a bell about that having happened?

4 A Yes.

5 Q Okay. Can you tell me, what was your understanding of what he wanted
6 that final paragraph -- why he wanted it changed or inserted? What was his thinking?

7 A He said there should be a little bit more to it.

8 Q Okay. And so did you have any more direction than that or did you -- you
9 know, because you ultimately drafted something? Right?

10 A Yes.

11 Q Okay. Do you recall what it is that you drafted? What was the gist of
12 what you sent?

13 A I don't know off the top of my head.

14 Q Ultimately, was what Ms. Farnam drafted what was incorporated into the
15 final assessment?

16 A Yes.

17 Q Did you take Mr. Gallagher's direction to mean that the language should be
18 stronger, that it needed -- in what direction did -- you said a little bit more. What did
19 you take that to mean?

20 A I took it to mean that it needed to be something that conveyed the -- a little
21 bit more that conveyed the intensity of what we were seeing.

22 Q So the overall analysis, right, concluded with these sort of two sentences.
23 Quote, "This sense of desperation and disappointment may lead to more of an incentive
24 to become violent. Unlike previous post-election protests, the targets of the pro-Trump
25 supporters are not necessarily the counter protestors as they were previously, but rather

1 Congress itself is the target on the 6th," end quote.

2 So sentences like those, is it fair to say that was not a part of the sort of initial
3 threat assessment before Mr. Gallagher asked you and Ms. Farnam to write that sort of
4 last overall analysis paragraph?

5 A Yeah, that's true.

6 Q Okay. That was added afterward, correct?

7 A Yes.

8 Q Do you think that warning, particularly that Congress itself was the target
9 and not counter protestors like the previous two marches, do you think that warning was
10 properly heeded by the Capitol Police leadership?

11 A In retrospect, probably not.

12 Q Why not?

13 A I do not know.

14 Q Okay. What did they do, if you know at all, with the -- we're going to talk
15 about the January 4th conference call. You know, obviously, there's a threat assessment
16 that you have given to leadership.

17 What did they do with the information you gave them operationally, if you know?

18 A I do not know.

19 Q Okay. So is it fair to say after, you know, the threat assessment on the 3rd,
20 the conference call on the 4th, information wasn't being shared in the opposite direction,
21 then with you as to what changes, if any, would be made based on this assessment? Is
22 that fair?

23 A I -- are you saying do -- I don't understand the question.

24 Q Did anyone at any point after January 4th tell you what changed
25 operationally as a result of your briefing?

1 A No, not at all. I wasn't in the operational chain of command.

2 Q Okay. And so you weren't in the chain of command, but were they present
3 on the phone call when you gave your briefing on January 4th?

4 A Yes. Well, there were a number of operational commands that were on
5 the line.

6 Q Okay. But nothing was communicated to you as to what was being done
7 about your and your division's warning, correct?

8 A No.

9 Q Did you come to find out later, at any point, to this day, do you know if there
10 are any changes that were made as a result of your briefing?

11 A I don't remember.

12 [REDACTED] Mr. Donohue, I have to jump off for another call, but I had one
13 question about this.

14 My colleague had kind of walked through some of the operations -- can you guys
15 hear me -- about some of the decisions that were made operationally from the
16 government after they were briefed. One of them was requesting the D.C. National
17 Guard for traffic points.

18 Do you have a thought or sense of what should have happened with the
19 intelligence assessment [inaudible].

20 Mr. Donohue. Something broke up.

21 Mr. Franz. We're losing you. We got most of it, but not all of it.

22 [REDACTED] Can you hear me now?

23 Mr. Franz. Much better.

24 Mr. Donohue. Much better.

25 [REDACTED] Okay.

1 Did you have a sense of what the Capitol Police should have done with the
2 intelligence assessments? Did you have an expectation? [Inaudible]

3 [Reporter asked for clarification.]

4 ██████████ She said do you have an expectation of what Capitol Police would
5 do, an expectation as to what they would do with the intelligence that you were giving
6 them?

7 Mr. Donohue. I think it's -- in retrospect, yeah, there could have been more that
8 could have been done. Maybe. Again, not knowing the operational posture,
9 limitations that the organization had, I don't want to say that they could have, but I
10 believe that, you know, if they've -- if certain people read it that way, it should have
11 helped.

12 BY ██████████

13 Q And I think you have told the committee before that the expectation is that
14 there would have been an impact from the assessment. I assume you wouldn't have run
15 the assessment if you thought that everything -- the plans would remain the same? You
16 wanted to convey a sense of urgency that something different should take place, correct?

17 A Yes. And that's why, as I said, the two drafts -- the two reports that went
18 out and the briefings were highly unusual. I think that's conveying the sense of urgency
19 that we were -- it's a demonstration of the sense of urgency that we had.

20 Q Okay. The warning came on, effectively, the last substantive page of the
21 threat assessment. It's page 13 of 15, where the two last pages were largely footnote
22 citations.

23 In hindsight, do you think it would have had more of an effect if it had appeared
24 on the first page of the assessment?

25 A Yes.

1 Q Did you receive any personal feedback that some people in the operational
2 side of the division of the Department did not see the assessment?

3 A After I had gone around and gave the intelligence talks to all of the people
4 out in the field, it was -- and I couldn't say who said it, but there were some members of
5 the Department that said that they hadn't seen it.

6 Q And when you say that you were sort of interviewing -- or speaking with, I'm
7 sorry, out in the field, that's post January 6th, correct?

8 A Yes, sir.

9 Q All right.

10 Similarly, on the second page of the assessment, it reads, quote, "The
11 protests/rallies are expected to be similar to the previous Million MAGA March rallies in
12 November and December of 2020 which drew tens of thousands of participants," end
13 quote.

14 In hindsight, might that have undercut, particularly as it comes early in the
15 document, that later warning that actually, no, this third demonstration is meant to be
16 different than the previous two, meant to be sort of different in kind and rhetoric and the
17 volume, that sort of thing, than the two previous marches in November and December?

18 A It's clear that there was -- that it looks like there was kind of cross-messaging
19 in there. I would suggest that, you know, as we were writing and it was an evolving kind
20 of document -- you know, it wasn't the absolute perfect thing that it could be, but it
21 contained that warning.

22 Q And in fact, also, in exhibit 30 that I provided to you previously, it's the Civil
23 Disturbance Unit operational plan created on January 5th, and on its first page it listed
24 that prior draft I just mentioned, the one noting that January 6th would be similar to the
25 demonstrations on November 14th and December 12th of 2020, and it actually goes into

1 antifa and counter protestors. But nowhere in that document does it reprint your main
2 warning about how January 6th would be different.

3 My first question is, did you even have an opportunity to see, review, read it at all
4 the Civil Disturbance Unit operational plan prior to it being developed, created, sent out?

5 A And the very direct answer is no, I did not even know that that was a
6 document that was produced.

7 Q And so, not having a role in it, is it problematic? Does it appear to be, you
8 know, a mistake that what was lifted, was sort of that -- you said there's cross-messaging
9 and what was lifted, unfortunately, is the piece of it that is not as important versus the
10 sort of later paragraph that, you know, you believe to be sort of utmost importance. Is
11 that a problem the way it was reproduced, do you think?

12 A One second.

13 Q Sure.

14 [Witness conferred with counsel.]

15 Mr. Donohue. Hello, you got me?

16 [REDACTED]. Yes. Go ahead.

17 Mr. Donohue. So I think it's better to frame it a different way, instead of is it
18 problematic that the document -- the document contains what it says, and it has to speak
19 on its own. But I keep going back to the interactions and the conversations with people
20 that, you know, both the briefings and the conversations with the chiefs
21 who -- particularly Chief Gallagher and Inspector Schneider, who heard what we were
22 saying, and on those calls, if people were listening, would have heard, you know, kind of
23 consolidated about the concerns that we raised in the report more broadly?

24 BY [REDACTED]:

25 Q Well, and those conversations, from what you have been able to testify,

1 appear to be one-sided. You couldn't tell me what sort of operational changes were
2 made because you weren't told about that, right?

3 A Correct.

4 Q And so, ultimately, the only evidence we have in the document in terms of
5 how the Civil Disturbance Unit was prepared for January 6th, is that document which was
6 put into writing -- it's created on January 5th, so several days -- or a day after the briefing
7 and 2 days after the threat assessment is written.

8 And so I suppose what I'm saying is I'm wondering how you reconcile the two. If
9 it is, in fact, true that there are people on the operational side listening to what the
10 warnings were, why do you think that the written product, what's meant to capture their
11 preparation for the Civil Disturbance Unit, does that accurately reflect the warnings that
12 you and your colleagues tried to convey?

13 Mr. Franz. You know, [REDACTED] can I just jump in here for a minute?

14 [REDACTED]. Sure, you can.

15 Mr. Franz. I don't want to speak for Jack, but I think what he's trying to say is
16 what you've done -- and you're right. You know, the paragraph that gets added at the
17 end, right, about Congress, in retrospect, it would have been great had that been the
18 leader in the front of the document.

19 But maybe you should ask him, right, it might be easier for him to answer you is,
20 was the wordsmithing of the document his primary concern or was it conveying the
21 information?

22 And, number two, is it traditional that operations -- was he concerned that
23 operations didn't tell him what they were doing and did he care, or was he just passing on
24 the information that he needed to. Because it's starting to sound a little bit accusatory,
25 like you failed here with the document, and that's the only evidence we have. But

1 there's a lot more to it than the document itself.

2 I think you shouldn't have total reliance on the document at the moment. I just
3 want to be clear because of the way the questions are being framed.

4 [REDACTED] I want to be clear, Mr. Donohue, you have every opportunity to
5 answer however you like, pulling from whatever experience you have and whatever
6 opinions you formed in the interim. I don't mean to have any sort of arguments built
7 into the question. But, you know, answer as best as you feel you can.

8 You know, would you like to answer Mr. Franz's questions? Absolutely, that's
9 fine, perfectly fine. Those are also legitimate questions. I have no problem with you
10 answering to the best of your ability.

11 Mr. Donohue. So, no, it's clear. If the report was one-page long and concise, if
12 it was on the front page of a two-page report, you know, certainly it would have
13 had -- may have had different effect.

14 I would say that sharing our experiences on what we were seeing is something
15 that is done when you're sharing intelligence. It's called an intelligence briefing. That
16 is why I keep referring to those two briefings that we had, which were sharing what we're
17 seeing with those commanders.

18 What came out on the special -- the civil enforcement -- the Civil Disturbance
19 Unit's assessment, as I said, I don't know why, don't know why they chose that particular
20 one instead of the overall assessment. That being said, the commanders for Civil
21 Disturbance were on the phone calls with us.

22 I would leave it at that.

23 BY [REDACTED]:

24 Q Okay. And I think, just to make clear for the record, my question is less so
25 about the threat assessment that you've created. I think you've talked about what

1 could have been better within it. It was more to ask if you had any insight as to how
2 that happened on the operational side, how it was that -- you know, if you have any
3 insight into that. That was basically my question.

4 A To me, I do not know. And, I think, you know, maybe later as we talk about
5 what could be done to improve that as we go forward -- and hopefully that's being done
6 now -- we can talk about how to better align intel's operations.

7 Q Sir, there was also provided to you an email forwarded to you by an NYPD
8 official from December 28, 2020. That's the first exhibit noting, quote, "Assume you
9 have" -- and for the record, it includes reference to social media postings, such as
10 protestors should, quote, "start marching into the Chambers"; that they should, quote,
11 "show up with guns and threaten them with death." Regarding the President's tweet to
12 attend, it will be wild on January 6th, one user said, quote, "I read that as armed."
13 Another said "violent insurrection has always been the plan," that Trump "can't exactly
14 openly tell you to revolt." "This is the closest you'll ever get." There's "not enough
15 cops in D.C. to stop what is coming." "This is war, and we're clearly in a post-legal phase
16 of our society." "Be there on the 6th ready for 1776." "Fun facts: No revolution has
17 ever been won without violence." And, lastly, quote, "kill the opposition."

18 How -- first, can you tell me if any of this were brought -- where -- how -- where
19 this round of intelligence was sent if it was sent anywhere. I know it reached you
20 obviously. Does it go anywhere else? Does it go to Deputy Chief Gallagher or anyone
21 higher up above him, the raw intelligence itself?

22 A So that's the nature of intel. It could either be shared kind of broadly in
23 terms of here's some of the things that we're observing. I'm not specifically recalling the
24 email or the comments in the email, but it goes to that, what we were talking about
25 before, the atmospherics of understanding what we're seeing.

1 Q Are you confident -- do you think that, you know, this sort of rhetoric is sort
2 of -- the nature of this rhetoric, did it get before someone like Chief Sund? Was he able
3 to read some of what was specifically was being said, other than, you know, the synthesis
4 or the analysis of it in the January 3rd assessment?

5 A I don't want to say whether he did or didn't. I'm not certain if he saw it,
6 those particular ones. I can't answer that.

7 Q So that would mean, to your knowledge, you didn't share it with him or you
8 don't recall sharing it with him and no one told you that it was being shared with him?

9 A Correct.

10 Q Obviously not to say that it didn't. That's just what you were either told, or
11 you yourself did, right?

12 A Right.

13 Q Perfect.

14 A Yes.

15 Q Do you think -- is there a reason that -- you know, specific raw intelligence
16 like this, did it make its way into the threat assessment of January 3rd, would that have
17 been helpful, do you think, or not?

18 A The answer is always context. And, the specific language, the words that
19 were coming out and people saying what they were saying, I think that is helpful in
20 context. We were coming up with an overall assessment, and we did not break every,
21 you know, document that we had written in the -- that had been written in the past so
22 this was kind of finding -- you know, filling that same formulaic approach to it. We
23 changed it a little bit. Putting the bluffs on there, I think that was newer.

24 Specific language sometimes does help.

25 Q Okay. And do you recall why, if there was a rationale -- and there may not

1 have been -- there wasn't as much specific language in the actual threat assessment for
2 January 3rd?

3 A No. I don't think that's -- I don't really have a specific answer as to why,
4 you know, that concerning language wasn't put in there. You know, I would imagine
5 with the amount of traffic in social media there could have been some very choice
6 language, and we just did not put that in this report.

7 Q If you turn to exhibit 15, there's an email there, January 25th of 2021. You
8 ask John Nugent to include, quote, "in the assessment two threat assessments by the U.S.
9 Postal Inspection Service." But, of course, you know, the threat assessment from IICD
10 had been finalized 2 days prior on January 3rd.

11 So what did you mean by included in the assessment if we're at January 5th and
12 the final product is done?

13 A I know the email you're talking about, and I -- for the life of me, I can't
14 remember why I sent it to him. Really, I just do not know why. And I know the Postal
15 Inspection Service document that you're talking about, too.

16 Q Is there a reason, I guess, the threat assessment was final by January 3rd and
17 was not continually updated as more intelligence came in on the 4th, the 5th, the
18 morning of the 6th? You know, this particular -- you know, something about it you
19 thought, you know, tipped you off? You wanted it to be somewhat shared or
20 memorialized, documented somewhere and, obviously, that couldn't be possible given
21 the fact that the assessment was done on the 3rd.

22 So was there a rationale behind, you know, not updating it past that date?

23 A It really comes down to what -- my belief and kind of how I think about it is
24 we had one document that we produced. The amount of conversation that was
25 happening thereafter, between what we were seeing and showing it to operational

1 people or sharing it with -- you know, verbally with Chief Gallagher was kind of where we
2 sat at that point in time.

3 Q And, so, is it fair to say now that since we're on the 5th, the assessment is
4 done by January 3rd and the last briefing was January 4th, that that last way of getting
5 any new intelligence information would be you communicating it to Deputy Chief
6 Gallagher?

7 A Verbal or emails.

8 Q But to him, right? You wouldn't -- it's always through him? You don't go
9 yourself to either Chief Pittman or Chief Sund? It's all through Deputy Chief Gallagher?

10 A To the best of my recollection is that's when it was going through Chief
11 Gallagher because of where we were.

12 Q And is it your recollection -- sorry.

13 A Any intel.

14 Q And is it your recollection that as -- again, I don't know about this particular
15 Postal Service Inspection Service intelligence, but is it your recollection that you routinely
16 updated Deputy Chief Gallagher with anything new or bothersome or troublesome that
17 you were seeing?

18 A If we saw it, it was going to be shared. If it didn't shake -- if it didn't change
19 materially the assessment, I think that's, you know, kind of the key piece of the question.
20 Knowing that there wasn't -- you know, so let me answer it with a way that would make it
21 easier to convey.

22 If there was something that dramatically changed the assessment, such as people
23 say, Don't come anymore, and, you know, all of a sudden, there's a large change to the
24 outlook that people were bringing, then that would be, obviously, you know, changing
25 what we were thinking. So that would have been communicated.

1 But the extent to which it kept up the same kind of tempo, that's where it would
2 have been shared with -- if it changed it.

3 Q To your recollection, did anything that came in after the 4th change your
4 outlook, either to make it more grave or less?

5 A So the answer is, for the certain language that was said, you know, I know
6 that there were still things coming over the transom, I'll use that word. There was still
7 kind of concerning, argumentative, you know, I guess social media postings. So, yeah,
8 the extent to which they were coming in, it still kept the tempo of our concern.

9 Q Could you turn to exhibit 3? It's the U.S. Capitol Police Public Information
10 Office's, forwarded on December 28, 2020, online indications of storming the Capitol.

11 Mr. Franz. [REDACTED], we don't have the exhibits up. So is there a way you can
12 share the screen? Otherwise, I've got to try and locate them.

13 [REDACTED] Why don't we do this because we've talked about it in the past,
14 and I've also given you the documents to read with some advance warning. Let me run
15 through what I have quoted, and if there's something you need to see about the actual
16 email, because it's not necessarily -- I'm not asking about particular language in the email
17 or to whom it was sent. It's just more if you recall that particular piece of intelligence.

18 BY [REDACTED]:

19 Q So the email I'm talking about is from December 28, 2020. It's from Grace
20 Spellman, a self-billed, quote, "internet expert tracking far right extremism," and she
21 includes in there online indications of plans to storm the Capitol. And it was sent to the
22 United States Capitol Police Public Information Office. That's the only sender -- or the
23 recipient on that email.

24 Do you got it?

25 Mr. Franz. Do you need us to bring it up?

1 Mr. Donohue. I remember seeing it, but I do not remember it from back then.

2 BY [REDACTED]:

3 Q Sure. And that's all my question is first going to be. Do you recall if you
4 saw that email in particular, that particular piece of intelligence before January 6th?

5 A I didn't get that information beforehand that I can recall.

6 Q Right, of course.

7 Before January 6th, are aware if the tips sent to the Public Information Office
8 made their way to IICD?

9 A I do not know.

10 Q Okay.

11 A I do not remember seeing them.

1

2 [4:18 p.m.]

3 BY [REDACTED]:

4 Q Okay. And you don't know -- maybe just like the process, how -- is it -- was
5 there a process in place for them to get to you or not really, that was sort of a separate
6 entity that -- in which you did -- and you guys did not share information like that?

7 A I do not recall where something like that would've gone to.

8 Q Okay. Exhibit 5 is thread emails. Let me sort of run through them, and,
9 again, if you need to look at them, but you're not on the thread so it's just to give you
10 some background.

11 Sean Gallagher sent to Chief Pittman on January 5th, 2021, at 4:10 p.m., that
12 WashingtonTunnels.com had been receiving a dramatic uptick in new visits; that the site,
13 TheDonald.win, had been active in promoting photos of the tunnel system; and that U.S.
14 Capitol Police had identified numerous open-source comments by groups of their
15 intention of finding tunnel entrances and confronting or blocking Members of Congress,
16 including setting up a perimeter to block entry or escape.

17 That same day, this is January 5th, at 4:55 p.m., Chief Pittman forwards the
18 intelligence to Chief Sund saying that they should hold a call regarding the intelligence.
19 And later correspondence with Capitol Police counsel appears to indicate that the call
20 may have never happened.

21 My question to you is: The intelligence that I just sort of rattled off to you about
22 the tunnels, were you aware of that particular intelligence involving the tunnels prior to
23 January 5th?

24 A I've become aware of it since.

25 Q Okay. So you're -- are you not sure or you were not aware of it before

1 January 5th?

2 A So there was -- there was -- there were postings about the tunnels that I had
3 heard in -- from within -- kind of within the entire lead-up to it. I can't say exactly where
4 it came from. The -- and, you know, I can't really -- you know, because I don't know that
5 particular email chain, and I definitely do not remember a phone call happening about
6 that information, you know, between the 5th and the 6th.

7 Q Okay. And so if I get that right, it sounds as though you had heard, you
8 know, a little bit about this talk about tunnels beforehand. Are you making a distinction
9 in terms of, you know, how detailed chief -- Deputy Chief Gallagher's sort of -- you know,
10 the websites and the uptick in visits, that that you may not have been intimately aware of
11 when you said that you had heard a little bit about it?

12 A So when I say -- I'm speaking, I'm sorry, specifically about mentions on social
13 media about the web -- about the tunnels but not about the information in that email
14 specifically.

15 Q Okay. So the -- I see. So the mentions you had heard about but not
16 necessarily the uptick in visits to these -- to the sites or that Donald -- TheDonald.win had
17 been promoting photos of the system, that -- those sort of specificities?

18 A Those two pieces I did not know.

19 Q Okay. So then I think I know the answer to this, but so then, do you know if
20 that intelligence was communicated by you -- obviously not by you -- or someone else
21 within IICD to leadership, including Mr. Gallagher, Ms. Pittman, or Chief Sund prior to
22 January 5th?

23 A I do not know.

24 Q Okay. And I think you should -- or I can anticipate the answer that you
25 don't -- this particular piece of intelligence, do you know why it didn't make its way into

1 the January 3rd threat assessment?

2 A I can't answer it specifically, no.

3 Q Okay. Did you -- did you gain any visibility as to what changed
4 operationally as a result of this intelligence? It doesn't even need to be before
5 January 6th. Just as you sit here today, do you have any insight into, you know, all this
6 information about the tunnels, if that led to any changes?

7 A I do not know.

8 Q In exhibit 21A, that's on January 1st, 2021, Shane Lamond from the D.C.
9 Metropolitan Police Department forwards a civilian tip. It includes reference to
10 storming the Capitol. It mentions, you know, there are detailed plans to storm Federal
11 buildings, dressed incognito, and commit crimes against public officials, is sort of what he
12 had forwarded to people at IICD, including Julie Farnam and others.

13 Do you recall that piece of intelligence?

14 A The -- so Lieutenant Lamond is one of the key intelligence players at MPD
15 and was, you know, kind of frequently sharing that sort of information with our team,
16 with Ms. Farnam, myself. So I'm not familiar with that particular email, but he, along
17 with U.S. Park Police, U.S. Secret Service police, and the NTIC were some of the people
18 who shared a lot of information with us. So that doesn't surprise me that that's
19 something that would come over the transom.

20 Q Do you know if either, because it was communicated by you or someone
21 told you that it was communicated to leadership, whether this sort of particular piece of
22 raw intelligence made its way to people like Chief Pittman or Chief Sund?

23 A I can't answer that.

24 Q Is it fair to say -- and, again, it may be "I don't know," it may be "I could
25 have." Is it fair to say that at least you don't recall, yourself, sharing that -- this

1 intelligence with them?

2 A No, I didn't depend -- not right now, no, I don't, I can't say that. And I want
3 to make one distinction.

4 Q Sure.

5 A We're throwing around the word "intelligence." A lot of what you're
6 sharing is information, right? So it's -- intelligence is a product of analysis, data and
7 analysis. So what you're referring to as intel is really information that helps formulate --

8 Q Perfect.

9 A -- a context and an opinion. So I just wanted to be clear about that.

10 Q Perfect. I will change the term I'm using. "Raw intelligence" then is not
11 appropriate either?

12 A You can call it raw information.

13 Q Right, but yes. Okay. No worries.

14 A I will refer to it as information, if that's the -- you know, what I perceive it to
15 be. If it's intelligence, then I'll share that too.

16 Q All right. So turning to exhibit 12. On December 29th, of 2020, the
17 protective intelligence operations center at Secret Service forwarded to the threat
18 assessment inbox at Capitol Police that telegram user GFB said in a neo-Nazi chat group
19 that Trump supporters in D.C. on January 6th should, quote, march into the Capitol
20 Building and make them quake in their shoes by our mere presence.

21 Do you recall if you saw that particular piece of intelligence -- or, excuse me,
22 information?

23 A I do not recall that one specifically.

24 Q To whom would this tip in the threat assessment inbox go?

25 A So typically it would land into -- as I recall, the threat inbox threats was a unit

1 in another portion of the -- which weren't part of my unit, which would be the
2 investigators. They would see that and they would, if it involved a social media chatter,
3 would be something that they would send to one of the analysts in the team to provide
4 a -- kind of an understanding of where did it come from, is it a threat.

5 So that's how threats from external actors would land in that threats inbox. And
6 they would -- the analysts who would be assigned to do the workup on that particular
7 social media posting would share the information back either through Ms. Farnam, who
8 would send it over to the investigators -- that was one of the things that we had tried to
9 figure out how to figure out who has the best skill sets in researching online threats.

10 Q So do you feel confident that something like this would have reached one of
11 your analysts, would've been assigned to one of your analysts to look into?

12 A I cannot say, because I don't have the logs that -- of that particular one
13 specifically. So I apologize, I just don't know that one.

14 Q No, of course. No, that's fine. I guess, how routinized, how structured
15 was that process? That's what I'm trying to figure out. Would sort of everything that
16 went into threat assessment have gotten an analyst to look at or were there some that
17 would not have reached anybody at IICD?

18 A And I think that answer requires -- it actually has a number of different parts,
19 as I recall how things might've played out. Understanding that the spike in threats
20 against Members of Congress had been accelerating at paces that hadn't seen -- that the
21 Capitol Police had never seen, and I, frankly, can never recall in my years of intel or
22 policing to see that level of threat, you know, kind of reporting coming in, raw intelligence
23 coming in, that was a concerning nature.

24 I can't say with specificity that this was put into the process for an IICD analyst to
25 look at and provide feedback to a -- one of the agents. So that's why I don't want to

1 speak with any specificity. I can talk to the general construct as we understood how we
2 were supporting threats investigations.

3 Q Okay. We've seen a few indications of the storming and occupying the
4 Capitol and some of the information sent to Capitol Police. The talking points that
5 Dr. Harvin over at NTIC gave to HSEMA and also to Chief Contee and Mayor Bowser in
6 their briefing dealing with January 6th, including a warning -- included a warning that,
7 quote, others are calling to peacefully -- peacefully is in quotation marks -- storm the
8 Capitol and occupy the building to help the vote. Not sure what peaceful means, but
9 they are calling to occupy the building.

10 So my question is: Were you a part of any discussions, you, anyone else -- did
11 people in -- within Capitol Police discuss the possibility -- that possibility of the storming
12 and occupying of the Capitol with the operational side, with leadership of Capitol Police?
13 Was that discussed?

14 A I do not know if it was discussed at the operational side. The -- the -- yeah,
15 I do not know if it was discussed at the operational side and how to address those
16 particular concerns. I just don't know.

17 Q With leadership? Were you involved in any discussion, is my question?

18 A No.

19 Q Okay. Had you -- had you heard of that possibility prior to January 6th?

20 A Of somebody storming the Capitol or of people saying that they were going
21 to storm the Capitol?

22 Q Yes.

23 A So --

24 Q Not -- because obviously there were -- there are some real-life history in
25 other State capitols where there was a little bit of a -- not to the level -- you know,

1 occupying but not to the level we saw on January 6th. So, no, I'm talking about, of
2 course, the possibility, was that something that you were seeing in the lead-up to
3 January 6th? Is that something you were aware of that possibility, given the
4 intelligence, given the information that was coming to you, which, yes, would be then
5 people speaking potentially aspirationally about it?

6 A So the speaking of it aspirationally, I think there were people who were
7 definitely indicating coming to the Capitol. Concerns over storming the Capitol were -- I
8 think there were some websites that were promoting things along those lines, yes.

9 Q As best as you can give me an insight, was that a possibility that you know
10 was appreciated or considered, or was it too farfetched, aspirational sounding? I'm
11 trying to get a feel for how seriously the possibility was taken and, you know -- and which
12 is true of all my questions. I'm not trying to imply any sort of judgment. All of this is
13 by necessity, hindsight as we're looking at it a year later and we're trying to figure out
14 what went wrong.

15 So by all means, I don't mean to be critical, but I'm trying to figure out how
16 seriously was that a possibility contemplated, or was that outside of the realm of what
17 was realistic or possible in your mind, in the minds of your colleagues, to whatever extent
18 you're having these discussions?

19 A I want to think this one through a little bit.

20 Q Sure, of course.

21 A Just give me a minute.

22 Q No problem.

23 [Pause.]

24 A Say, the actual breaching of the Capitol and, you know, kind of the entering
25 of it, I think I have to look at it in the context of what happened the following day, you

1 know -- I'm sorry, on the 6th, when that crowd was riled up and kind of pointed in the
2 direction of the Capitol.

3 So I don't want to -- I'm not minimizing what was information that was out there.
4 I think the triggering of the crowd, I don't think -- I think that's really where the failure to
5 apprehend was that -- was that, that people would've been activated by what transpired
6 actually on the 6th to take the Capitol.

7 Q And correct me if I'm wrong, the triggering, you're referring to the former
8 President's speech at the Ellipse?

9 Mr. Franz. And others.

10 Mr. Donohue. And others out of there. I mean, clearly, the -- what happened
11 at that rally, meaning the one that the President attend -- the former President attended,
12 activated that crowd to do what they did. So I'm not -- I'm not discounting that there
13 were people clearly posting about that as you've referred to. It's what happened the
14 day of the event that really is the one piece of that puzzle that was what caused it, in my
15 mind.

16 BY [REDACTED]:

17 Q Turning to -- the final sort of email I want to talk to you about is 26. It's on
18 December 31st of 2020. Julie Farnam raised concerns that the permit request for One
19 Nation Under God and Bryan Lewis were just proxies for Stop the Steal. And she was
20 concerned that Stop the Steal is generally more violent, and so then, you know, they're
21 trying to pose as sort of 10 different groups, whereas maybe they're actually -- some of
22 them at least are just one giant group who is -- and has more of a concern for violence.

23 Do you recall being made aware of this red flag?

24 A Yes. And -- and I recall that being shared with the commander call. I
25 believe -- I believe it was the one on the 4th. It may have been the one on the 30th, but

1 I think it was the one on the 4th where that intelligence was verbally shared.

2 Q Do you recall what was made, if you were told, of the warning ultimately?

3 A I do not know.

4 Q Okay. Do you even know if maybe there were discussions about the
5 possible pulling of their permits, or you don't even recall if there were any of those?

6 A I'm -- I don't want to speak improperly, but I -- but there was, I believe, a
7 conversation about whether or not we -- that that could happen. But I believe it might
8 have been with -- not through me, but it may have been with general counsel's office. I
9 think that's what happened.

10 Mr. Franz. Don't speculate.

11 Mr. Donohue. But I'm -- yeah, I'm probably speculating and I shouldn't.

12 BY [REDACTED]:

13 Q To the best of your recollection, and I think you've commented that you're
14 not quite sure, so I think that is fair.

15 A Yes.

16 Q So besides the denial of the permit, did this possibility that the separate
17 groups were far more coordinated and potentially just a single group particularly of a
18 violent nature, did that in your mind affect the threat landscape for January 6th? Was
19 this something that would be concerning outside of what you did with the permit just in
20 terms of looking at the event and how to prepare for it?

21 A In assessing what the motivations are to potential participants in a, you
22 know, in securing ground near the Capitol, you know, in hindsight, yes. And I think it is a
23 piece of information that was at least acknowledged.

24 Q When you say hindsight, is that because at the time you're not quite sure
25 that it sort of raised a flag with you in terms of the picture and only afterward, or why do

1 you say in hindsight?

2 A I'll contextualize it. When -- it's -- and I say in hindsight because in thinking
3 about where all the permits were offered around the Capitol and with the events that
4 actually happened on that day, meaning the bombs, the IEDs that were at the RNC, the
5 DNC, the truck with all of the munitions on it, I think knowing that there was that level of
6 coord- -- potential level of coordination but seeing it very clearly that some people were
7 using it as obfuscation raises that concern.

8 Q So is it fair, do you think, that any -- you know, the warning that
9 Ms. -- concerns that Ms. Farnam had and they were borne out in what actually happened
10 on January 6th, that that was something that was problematic?

11 A Not knowing how the operational plans were -- had dealt with the various
12 protest areas, I don't know whether there was an up-staff, down-staff of personnel
13 knowing that there may have been a subterfuge by people that were applying for the
14 permits.

15 Q So let's go briefly through the conference call on January 4th in which you
16 and Ms. Farnam talked about the January 3rd assessment. Do you recall who spoke at
17 the briefing?

18 A Chief Pittman started it, I followed second, and then Ms. Farnam followed
19 me.

20 Q Do you recall who was invited to attend?

21 A It was a list of the senior personnel in the department, I think from the rank
22 of captain on up.

23 Q Do you know who actually attended? I know it's a call and not a video call.
24 So are you only aware of, you know, who was invited, or can you tell me that, you know,
25 they were actually present because you either looked at the guest list or, you know, how

1 does -- reconcile those two for me if you can.

2 A So I do not know who actually was present. It is my understanding that
3 Sergeant Larry Cook may -- who was the person who scheduled the call, may have been
4 able to go through who was on the call. But I personally did not do a roll call.

5 Q And I think I provided some contemporaneous notes that -- or some notes
6 that Ms. Farnam provided to the committee regarding what was spoken about at the
7 briefing. I think I gave that to you in exhibit 31. Do you recall -- are those consistent
8 with what you two talked about on the conference call?

9 A Absolutely. What I recall is using the language that I've used with, you
10 know, in our conversations earlier this afternoon, which was -- and I say this because it
11 was a verbal briefing, but my statement to those who were present was that I had never
12 seen the amount or frequency in volume of this sort of chatter since the rise of the ISIS
13 caliphate.

14 Q What was the response on the other end of the call?

15 A Silence.

16 Q And is that fair to say that throughout the call, you know, that sort of
17 questioning they were talking about that a sophisticated consumer of intelligence might
18 have, there were no questions like that?

19 A There were -- there were very few. And I think the one that was thrown to
20 Ms. Farnam was about traffic cuts or may have been about who had what permits,
21 where. But her contemporaneous note about -- of what she had said squares with my
22 recollection of how we were communicating the level of concern that we had.

23 Q And was that concerning to you, the silence and/or lack of probing
24 questions?

25 A It didn't have a baseline of what the leadership and senior, you know,

1 executives in USCP were with regard to -- so I couldn't make that assessment. I've made
2 it, you know, obviously in the months subsequent and while I was having those
3 conversations with personnel around the department, after the 6th, in making that
4 assessment that that's one of the things that needs to happen. So, there.

5 Q It's my understanding that some analysts, one in particular in IICD, sent
6 internal -- an internal email criticizing their preparation for January 6th within IICD,
7 including the claim that, quote, analysts have been reporting for weeks that patriot
8 groups are commenting on social media their intentions to storm the U.S. Capitol with
9 overwhelming numbers, end quote, but that they were in the dark about whether that
10 information was briefed, quote, with the voracity it deserved and not just a one-time
11 event assessment.

12 Can you speak to those criticisms? Are they fair criticisms? Do you agree with
13 that criticism? What's your opinion?

14 A So I know who you're referring to, and I know the email that you're referring
15 to, and I categorically deny that that is accurate.

16 Q Would --

17 A Why? Why? Let me explain why. Because individual analysts don't sit
18 in on the executive staff briefings that both Ms. Farnam and myself engaged in. So I
19 think it is largely disingenuous by that particular analyst to throw the language that he did
20 around without having any indication or any knowledge whatsoever of what we did inside
21 IICD and at its highest levels.

22 I do believe that that particular individual has other concerns that aren't in that
23 email, and he has many, many other issues with the agency. So I took that as a person
24 who has suffered personally, who saw friends suffer on the 6th, and was very angry and
25 appropriately so at what happened to the institution of Congress and the USCP in

1 particular, but I think it was a very emotionally charged response and not a analytic
2 rational response to what happened. And I forgive him for using that language, but it is
3 categorically wrong.

4 Q And I understand the idea that, you know, he wasn't a part of the -- or the
5 analysts weren't included in the briefing, the January 4th one and the December 30th
6 one, so they wouldn't have visibility into how strongly or with, you know, the voracity as
7 he mentions that you and Ms. Farnam conveyed the threat to leadership and to the
8 operational side.

9 So the other part of that, though, I want to ask is: Were the analysts kept in the
10 loop about sort of what was being seen by IICD, what was being communicated across
11 the department and to leadership, and if not, might that have been better to -- if they
12 weren't in the loop? If they were sufficiently in the loop, please say so.

13 A So the -- the -- the analysis was shared with our team. The -- they all had a
14 copy of it before it went out. I would challenge them to say -- ask them, did they read it.
15 What I don't want to speculate on is, you know, what each one of them individually knew
16 other than I think, you know, there are a few people who will say they didn't know
17 everything, and my response to that is, I don't know everything.

18 And I'm not being flippant; I'm saying that analysts don't always see everything in
19 the final picture because they are sometimes compartmentalized. And I want to -- and I,
20 you know -- I'm not going to litigate this particular employee, but there are reasons why I
21 am categorically saying that that email is incorrect.

22 Q There's 5 minutes left, and I sort of want to only talk about moving forward
23 recommendations and what you see as the sort of problems that should be corrected.
24 So can you tell me, what went wrong on January 6th? Was it a failure of intelligence?
25 Some have said, was it a failure of heeding or properly operationalizing that intelligence?

1 Was it neither and something altogether different? What is your view?

2 A I'm -- I'm going to say the fault lies explicitly on the people who activated
3 those who stormed the Capitol, and that happened on January 6th by those who were on
4 the stage and gave them the motivation and triggered them to action.

5 I will -- I don't want to comment, you know, on the, you know, the operational
6 side. It's not my -- it's, you know, not my wheelhouse. What I do want to say is we
7 had a smaller-than-needed intelligence capacity. We had a intelligence capacity that
8 was not up for the task at the entire staff level in intelligence, and we had a fractured
9 intelligence apparatus within the USCP. And these are things that, you know, people
10 have already had, you know, kind of opined on.

11 The direct report and building USCP as having an intelligence bureau and the
12 ability to provide protective intelligence information for those that are our designated
13 protectees for information to protect the buildings and the occupants and the visitors and
14 the citizens that come and others that come, anyone that comes, requires some more
15 than what they had.

16 The youngest or the least tenured employee in IICD had 5 years on him. The
17 world of social media, social media platforms, and the telegraphing of information, digital
18 information, had accelerated so much in the 5 years prior to January 6th that the
19 organization was virtually blind to what was happening from a technology perspective
20 and from those who are digital natives, which, you know, frankly, people even younger
21 than myself are far better at being digital natives and navigating through those platforms
22 and what's being said online.

23 I think we needed to have a routine and structured ability to send people to
24 training and to have the money to do that. That was something that just was done by
25 literally with shoestring -- with no budget and a shoestring. And I think that, along with

1 that training, a few more people to deal with the amount of threat activity that's coming
2 over and to support the assessments of special events. I think there is that training for
3 commanders to learn how to be better consumers of intelligence and what's the right
4 questions to ask.

5 And I really strongly believe that the sort of technologies and the sort of services
6 that exist outside of the USCP could help support the strategic kind of intelligence
7 questions and operational intelligence questions that would be -- that are, I think, ones
8 that we're asking today, which is Congress still a target, is Congress and the Members,
9 because of their policies, still drawing extremists on either side, and I think they
10 need -- and "they," meaning the USCP, has to have visibility on that, has to understand
11 what is happening.

12 And they have data, really good data, but they don't have the analysts that -- since
13 when I was there, they didn't have the number of analysts to support the deep analysis
14 that has to happen with all of those thousands of -- 10,000 threats to members that came
15 in over the transom last year alone. That's what's needed.

16 And I think -- you know, those are really -- those are the key pieces, you know.
17 And a program to keep them, meaning the analysts, well informed about what's
18 happening in the department. So the marriage that we've built in, you know, that was
19 built in my former employer was one where analysts were sitting with the investigators
20 and built a very strong rapport, elevating the products.

21 The goal that I had when I was there was that USCP would have co-branded
22 materials with other members of the IC because we have such a unique perspective on
23 what's happening. And that was -- that was the audacious goal that would've been a
24 external kind of, you know, benchmark to show that, not only can our analysts do it, they
25 did it to the same exacting degree that the IC requires. And we weren't there; hopefully

1 they're on that path now.

2 Q I'm cognizant of the time, so my last question just is, is there anything I
3 didn't ask you that you want to make sure you share with the committee -- entirely up to
4 you, of course -- if there's something that you felt like you didn't get to say and you want
5 to say it?

6 A If I had to, I'll write to you. Does that make sense?

7 Q Oh, sure.

8 A If I want to put it on -- in the paper, if it's something that I forget, because
9 right now I'm kind of --

10 Q No worries.

11 A -- kind of shot.

12 Q No, I know. It's been -- you've been talking for a while, so I hope we got
13 through most of it if not all of it.

14 All right. So I want to thank you, of course, Mr. Donohue, for sitting with us,
15 taking this time with the informal interview before and now the transcribed interview.
16 We're very, very much appreciative of your time. And that will end.

17 Mr. Franz. Can we count on you to send us a copy of the transcript?

18 [REDACTED]. So once it is prepared, I -- just check back in with me. There's a
19 whole process that it needs to go through, so but check back in with me, and I will of
20 course give it to you once we have it.

21 Mr. Franz. Perfect. Thank you, everybody. Sorry to have to be so hasty.

22 [Whereupon, at 5:00 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date