



**Homeland
Security**

July 14, 2021

The Honorable Ron Wyden
United States Senate
Washington, DC 20510

Dear Senator Wyden:

Thank you for your June 9, 2021 letter regarding the Department of Homeland Security's presence and activities in Portland, Oregon.

The demonstrations occurring in Portland for nearly a year are of great importance to me. DHS is committed to respecting the rights of all individuals who peacefully exercise their First Amendment freedoms of speech and assembly. DHS has the authority, under 40 U.S.C. § 1315, to enforce federal law and protect federal property, and DHS's Federal Protective Service (FPS) is tasked with protecting the more than 9,000 federal facilities across all U.S. states and territories and the people who occupy or visit them daily. I am committed to ensuring that DHS meets this charge without undermining the key freedoms all Americans enjoy. I have therefore directed a Department-wide review to make certain that all DHS law enforcement personnel, including those deployed in support of FPS, receive appropriate training and operate pursuant to policies in keeping with best practices and law. This review will be extensively coordinated with the DHS Office for Civil Rights and Civil Liberties (CRCL) and Privacy Office (PRIV), as well as key partners and stakeholders. In light of this review, my explicit prior approval is required before the Department will cross-designate any law enforcement personnel in support of FPS.

The Department-wide review will (1) evaluate whether DHS law enforcement training curricula and policies—including those related to cross-designation, crowd-control, use of force, uniforms, anti-discrimination, and First Amendment-related protections—are sufficiently comprehensive and consistent with law and best practices; and (2) assess feedback from critical DHS stakeholders, including from state, local, tribal, and territorial law enforcement organizations, civil rights and civil liberties partners, privacy experts, and the diverse communities the Department serves. To this end, CRCL recently convened a national meeting on racial justice and community policing to engage with affected stakeholders from communities of color to better understand their concerns. Senior representatives from the Department also recently met with police-reform stakeholders and law enforcement to assess best practices in community policing and discuss how to build trust with communities of color and religious minorities. Future meetings with various stakeholders are planned, including regarding how community-policing reforms might prevent violence.

In its April 16, 2021 report titled "DHS Had Authority to Deploy Federal Law Enforcement Officers to Protect Federal Facilities in Portland, Oregon, but Should Ensure Better Planning and Execution in Future Cross-Component Activities," the DHS Office of the Inspector General (OIG)

found that DHS had the legal authority, under 40 U.S.C. § 1315, to designate and deploy DHS law enforcement officers from U.S. Customs and Border Protection, U.S. Immigration and Customs Enforcement, and the United States Secret Service to help FPS protect federal facilities and personnel in Portland. OIG further determined, however, that DHS was unprepared to effectively execute cross-component activities to protect federal facilities when component law enforcement officers and agents first deployed on June 4, 2020. OIG found that this occurred because DHS had in place neither a comprehensive strategy to address limited state and local law enforcement assistance, nor effective cross-designation policies, processes, equipment, or training requirements. DHS OIG made the following two recommendations directed to the Department:

- (1) establish and implement a plan, policy, and process to improve preparedness for multi-component response to future incidents of civil disturbance at federal facilities; and,
- (2) establish contingency plans, including necessary equipment, for responding to civil disturbance at high-risk federal facilities based on Facility Security Assessments, non-binding agreements with state and local law enforcement, and expected level of support.

The Department concurred with both OIG recommendations and is taking proactive steps to improve the planning and execution of cross-component activities, as outlined above.

DHS will continue working to rebuild trust and collaborative partnerships with the Portland community, including by engaging with local elected officials as well as state and local law enforcement officials. The Department is committed to protecting the safety and security of the entire Portland community, while respecting the rights of all individuals who peacefully exercise their First Amendment freedoms of speech and assembly.

Thank you for your continued support as we work together to address the many critical challenges facing our Nation. I am grateful for the opportunity to respond to the questions raised in your letter. Answers to your questions are provided in the enclosed supplement. Should you wish to discuss this matter further, please do not hesitate to contact me or have a member of your staff contact the Office of Legislative Affairs at (202) 447-5890.

Sincerely,



Alejandro N. Mayorkas
Secretary

Enclosure