Unclassified Summary of Information Handling and Sharing Prior to the April 15, 2013 BOSTON MARATHON BOMBINGS

Prepared by the Inspectors General of the:

INTELLIGENCE COMMUNITY
CENTRAL INTELLIGENCE AGENCY
DEPARTMENT OF JUSTICE
DEPARTMENT OF HOMELAND SECURITY

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NOTE: This report is an unclassified summary of a 168-page classified report that was also issued today, 10 April 2014, by the Inspectors General for the Intelligence Community, Central Intelligence Agency, Department of Justice, and Department of Homeland Security. Redactions in this document are the result of classification and sensitivity designations we received from agencies and departments that provided information to the OIGs for this review. As to several of these classification and sensitivity designations, the OIGs disagreed with the bases asserted. We are requesting that the relevant entities reconsider those designations so that we can unredact those portions and make this information available to the public.

I. INTRODUCTION

On April 15, 2013, two pressure cooker bombs placed near the finish line of the Boston Marathon detonated within seconds of each other, killing three and injuring more than two hundred people. Law enforcement officials identified brothers Tamerlan and Dzhokhar Tsarnaev as primary suspects in the bombings. After an extensive search for the then-unidentified suspects, law enforcement officials encountered Tamerlan and Dzhokhar Tsarnaev in Watertown, Massachusetts. Tamerlan Tsarnaev was shot during the encounter and was pronounced dead shortly thereafter. Dzhokhar Tsarnaev, who fled the scene, was apprehended the following day and remains in federal custody.

A decade earlier, Tamerlan and Dzhokhar Tsarnaev immigrated to the United States from Kyrgyzstan with their parents Anzor Tsarnaev and Zubeidat Tsarnaeva. Anzor Tsarnaev, an ethnic Chechen, his wife Zubeidat Tsarnaeva, and their son Dzhokhar Tsarnaev arrived in the United States from Kyrgyzstan in 2002. They applied for and received an immigration benefit. The elder son, Tamerlan Tsarnaev, and his sisters, Bella and Ailina Tsarnaeva, arrived in the United States in 2003 and also received an immigration benefit. In the years that followed, all six family members became Lawful Permanent Residents of the United States.

Two years before the Boston Marathon bombings, Tamerlan Tsarnaev and Zubeidat Tsarnaeva came to the attention of the Federal Bureau of Investigation (FBI) based on information received from the Russian Federal Security Service (FSB). In March 2011, the FBI received information from the FSB alleging that Tamerlan Tsarnaev and Zubeidat Tsarnaeva were adherents of radical Islam and that Tamerlan Tsarnaev was preparing to travel to Russia to join unspecified underground groups in Dagestan and Chechnya. The FBI-led Joint Terrorism Task Force in Boston (Boston JTTF) conducted an assessment of Tamerlan Tsarnaev to determine whether he posed a threat to national security and closed the assessment three months later having found no link or "nexus" to terrorism.

In September 2011, the FSB provided the Central Intelligence Agency (CIA) information on Tamerlan Tsarnaev that was substantively identical to the information the FSB had provided to the FBI in March 2011. In October 2011, the CIA provided information obtained from the FSB to the the National Counterterrorism Center (NCTC) for watchlisting purposes, and to the FBI, Department of Homeland Security (DHS), and the Department of State for their information. Upon NCTC's receipt of the information, Tamerlan Tsarnaev was added to the terrorist watchlist.

Three months later, Tamerlan Tsarnaev traveled to Russia, as the lead information stated he was preparing to do. However, Tsarnaev's travel to Russia did not prompt additional investigative steps to determine whether he posed a threat to national security.

By April 19, 2013, after the Tsarnaev brothers were identified as suspects in the bombings, the FBI reviewed its records and determined that in early 2011 it had received lead information from the FSB about Tamerlan Tsarnaev, had conducted an assessment of him, and had closed the assessment after finding no link or "nexus" to terrorism. In the days that followed, Members of Congress asked questions of the Director of the FBI, the Director of National Intelligence (DNI), and other government officials about the handling of information concerning Tamerlan Tsarnaev prior to the bombings. The Intelligence Community Inspectors General Forum, with the support of the DNI, determined that the Inspectors General of the Intelligence Community, the CIA, the Department of Justice (DOJ), and DHS would conduct a coordinated review of the handling and sharing of information available to the U.S. government prior to the Boston Marathon bombings. The Inspectors General issued a public announcement of a coordinated, independent review on April 30, 2013.

II. SCOPE AND METHODOLOGY OF THE REVIEW

As outlined in a May 21, 2013, memorandum from the participating Inspectors General, the objectives of this review were to determine:

- The extent of the information available to the U.S. government concerning the relevant individuals and events preceding the Boston Marathon bombings;
- Whether the sharing of this information was complete, accurate, and in compliance with U.S. counterterrorism and information sharing, policies, regulations, and U.S. laws; and
- Whether there are weaknesses in protocols and procedures that impact the ability to detect potential threats to national security.

In furtherance of these objectives, the Offices of Inspector General (OIGs) sought to develop a chronology of the events leading up to the bombings based on information that was known to the U.S. government prior to April 15, 2013. We also sought to identify what additional information existed and may have been available to the U.S. government before the bombings. In considering whether information that existed prior to the bombings was "available" to the U.S. government, the OIGs took into account the limited facts known to U.S. government agencies prior to the

bombings and the extent of the government's authority under prevailing legal standards to access that information. As a result, the scope of this review included not only information that was in the possession of the U.S. government prior to the bombings, but also information that existed during that time and that the federal government reasonably could have been expected to have known before the bombings.

While some of the information relevant to our review was developed after the bombings, the OIGs were mindful of the sensitive nature of the ongoing criminal investigations and prosecutions related to the bombings, and were careful to ensure that the review would not interfere with these activities. We carefully tailored our requests for information and interviews to focus on information available before the bombings and, where appropriate, coordinated with the U.S. Attorney's Office conducting the prosecution of alleged bomber Dzhokhar Tsarnaev.[1]

We focused our review on the entities that were the most likely to have had information about Tamerlan Tsarnaev prior to the bombings – the FBI, the CIA, DHS, and NCTC, which maintains the U.S. government's database of classified identifying and substantive derogatory information on known or suspected terrorists. We also requested other federal agencies to identify relevant information they may have had prior to the bombings. These agencies included the Department of Defense (including the National Security Agency (NSA)), Department of State, Department of the Treasury, Department of Energy, and the Drug Enforcement Administration.

The review was conducted by four teams from the OIGs of the DOJ, CIA, DHS, and the Intelligence Community (IC). The OIGs reviewed thousands of documents and interviewed more than 160 individuals, including senior CIA, FBI, DHS, and NCTC officials. While the review teams shared relevant documents, attended briefings, and participated jointly in interviews of certain officials, each OIG was responsible for evaluating the actions of, and information available to, its respective agencies. Additionally, each OIG conducted or directed its component agencies to conduct database searches to identify relevant pre-bombing information.

As described in more detail in the classified report, the DOJ OIG's access to certain information was significantly delayed at the outset of the review by disagreements with FBI officials over whether certain requests fell outside the scope of the review or could cause harm to the criminal

[1] The initial lead information from the FSB in March 2011 focused on Tamerlan Tsarnaev, and to a lesser extent his mother Zubeidat Tsarnaeva. Accordingly, the FBI and other agencies did not investigate Dzhokhar Tsarnaev's possible nexus to terrorism before the bombings, and the OIGs did not review what if any investigative steps could have been taken with respect to Dzhokhar Tsarnaev.

investigation. Only after many months of discussions were these issues resolved, and time that otherwise could have been devoted to completing this review was instead spent on resolving these matters.

III. ROLES AND AUTHORITIES OF THE AGENCIES INVOLVED IN THE REVIEW

A. Executive Order 12333

The roles and responsibilities of the intelligence elements of the FBI, DHS, CIA, and NCTC are broadly set forth in Executive Order (E.O.) 12333, as amended. Originally signed in 1981, and amended several times since, E.O. 12333 placed restrictions on intelligence collection activities engaged in by Executive Branch agencies, including the FBI, CIA, and NCTC, while also seeking to foster "full and free exchange of information" among these agencies. Among other purposes, E.O. 12333, as amended, is intended to enhance "the acquisition of significant foreign intelligence, as well as the detection and countering of international terrorist activities." To further this purpose, E.O. 12333 provides the basic jurisdictional framework for the various roles and responsibilities of the Executive Branch agencies and departments that comprise the Intelligence Community.

Under E.O. 12333, the FBI has primary responsibility to "coordinate the clandestine collection of foreign intelligence collected through human sources or through human-enabled means and counterintelligence activities inside the United States." The CIA has primary responsibility to coordinate intelligence gathering activities outside the United States. In addition, E.O. 12333 authorizes the NSA to "[c]ollect (including through clandestine means), process, analyze, produce, and disseminate signals intelligence information and data for foreign intelligence and counterintelligence purposes to support national and departmental missions[.]"

B. FBI

The FBI's domestic operations are governed by the Attorney General Guidelines for Domestic FBI Operations (AG Guidelines) and implemented through the FBI's Domestic Investigations and Operations Guide (DIOG). The AG Guidelines and the DIOG authorize three levels of investigation to address a potential threat to national security: (1) an assessment, which requires an authorized purpose but does not require any particular factual predication; (2) a preliminary investigation, which requires information or an allegation of a possible threat to national security; and (3) a full investigation, which requires an articulable factual basis of a possible threat

to national security.[2] The AG Guidelines established these different levels of investigation to provide FBI personnel with flexibility to adapt the investigative methods used to the nature of both the matter under investigation and the information supporting the need for investigation. This flexibility includes the option of choosing a lower level of investigation, even when the predication for a higher level of investigation is met, if FBI personnel determine the matter can be resolved through less intrusive methods.

Both the AG Guidelines and the DIOG emphasize the core principles that FBI investigations must be undertaken for an authorized purpose and should be carried out by the least intrusive method feasible under the circumstances of the investigation. According to the DIOG, the threshold requirement that all investigative activities be conducted for an "authorized purpose" is a safeguard intended to ensure that FBI employees respect the Constitutional rights of Americans. Thus, both the AG Guidelines and the DIOG make clear that no investigation may be conducted for the sole purpose of monitoring activities protected by the First Amendment or the lawful exercise of other rights secured by the Constitution or laws of the United States.

As the federal government's lead domestic counterterrorism agency, the FBI played a critical role in investigating the lead information from the FSB and determining whether Tamerlan Tsarnaev had a nexus to terrorism or posed a threat to the national security in 2011, two years prior to the April 15, 2013, Boston Marathon bombings. This lead information was investigated by the FBI through the Boston JTTF. Representatives from the DHS, CIA, and other federal, state, and local agencies work directly with FBI-led JTTFs across the country, including in Boston.

C. CIA

In addition to E.O. 12333, the National Security Act of 1947, as amended, governs the ability of the CIA to engage in intelligence activities. The National Security Act provides the basic statutory authority for the CIA's intelligence activities, while prohibiting the Agency from exercising either law enforcement or domestic security functions. Section 104A of the Act authorizes the Director of the CIA to provide "overall direction for and coordination of the collection of national intelligence outside the United

[2] Each level of investigation allows the FBI to use increasingly intrusive investigative methods. For example, the FBI is limited to relatively unintrusive methods such as consensual interviews and database checks in an assessment, while it may use more intrusive methods such as obtaining judicial search warrants and FISA orders to conduct electronic surveillance in a full investigation.

States through human sources by elements of the intelligence community authorized to undertake such collection."

D. DHS

The Homeland Security Act of 2002, as amended, created the DHS and established the Department's primary mission to prevent terrorist attacks in the United States and to carry out the functions of the entities transferred to the Department, which included the Immigration and Naturalization Service (INS) and the Transportation Security Administration (TSA).[3] Multiple components within the DHS execute its mission. Those involved in this review include:

- U.S. Citizenship and Immigration Services (USCIS), which oversees and adjudicates immigration benefits;
- U.S. Customs and Border Protection (CBP), which vets people and goods entering and exiting the United States; and
- TSA, which secures U.S. transportation systems.

E. NCTC

In 2004, the Intelligence Reform and Terrorism Prevention Act (IRTPA) codified the establishment of the NCTC as part of the Office of the Director of National Intelligence.[4] The primary missions of the NCTC that pertain to this review are to:

- Serve as the primary organization of the federal government for analyzing and integrating all intelligence possessed or acquired pertaining to terrorism or counterterrorism (except intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism);
- Ensure that . . . agencies have access to and receive intelligence needed to accomplish their assigned activities; and
- Serve as the "central and shared knowledge bank on known and suspected terrorists and international terror groups, as well as

[3] *See* 6 U.S.C. § 203; Transfer of INS functions at 6 U.S.C. §§ 202, 251 et al.

[4] IRTPA of 2004, § 1021 (Pub. L. No. 108-458, 118 Stat. 3672 (Dec. 17, 2004)), *codified* at 50 U.S.C. § 3056(a). President Bush initially established NCTC by E.O. 13354, on August 27, 2004. E.O. 13354 was rescinded by E.O. 13470 in July 2008 because IRTPA codified the establishment of NCTC.

their goals, strategies, capabilities, and networks of contacts and support."[5]

F. Memoranda of Understanding

The federal agencies that handled information concerning relevant individuals and events prior to the bombings frequently have intersecting and sometimes overlapping responsibilities in conducting counterterrorism activities. The relationships between and among these agencies are governed by memoranda of understanding (MOU). Of particular relevance to this review are the relationships between the FBI, CIA, and DHS, as well as the relationship between the FBI and the NSA, and the NCTC's relationships throughout the Intelligence Community.

IV. CHRONOLOGY OF EVENTS

In this section, we summarize the chronology of events relating to the U.S. government's knowledge of and interactions with Tamerlan Tsarnaev, members of his family, and other associates before the bombings. Many of the activities and events that occurred during the period discussed below cannot be included in this unclassified summary.

Tsarnaev Family Background

Tamerlan Tsarnaev and Dzhokhar Tsarnaev immigrated to the United States from Kyrgyzstan with their parents Anzor Tsarnaev and Zubeidat Tsarnaeva. Anzor Tsarnaev, an ethnic Chechen, his wife Zubeidat Tsarnaeva, and their son Dzhokhar Tsarnaev arrived in the United States from Kyrgyzstan in 2002. They applied for and received an immigration benefit. The elder son, Tamerlan Tsarnaev, and his sisters, Bella and Ailina Tsarnaeva, arrived in the United States in 2003, and also received an immigration benefit. In the years that followed, all six family members became Lawful Permanent Residents (LPRs) of the United States.

Receipt of Information from the Russian Government

In 2011, two years before the Boston Marathon bombings, Tamerlan Tsarnaev and Zubeidat Tsarnaeva came to the attention of the FBI based on information received from the FSB. In March 2011, the FBI Legal Attaché (LEGAT) in Moscow received a memorandum in Russian from the FSB regarding Tamerlan Tsarnaev and Zubeidat Tsarnaeva. According to the English translation used by the FBI, the memorandum alleged that both were adherents of radical Islam, and that Tamerlan Tsarnaev was preparing

[5] Summarized from National Security Act of 1947 (P.L. 235), Section 119.

to travel to Russia to join unspecified "bandit underground groups" in Dagestan and Chechnya and had considered changing his last name to "Tsarni." The Russian authorities provided personal information about both Tamerlan Tsarnaev and Zubeidat Tsarnaeva, including their telephone numbers and e-mail addresses, and requested that the FBI provide the FSB with specific information about them, including possible travel by Tsarnaev to Russia. Importantly, the memorandum included two incorrect dates of birth (October 21, 1987 or 1988) for Tamerlan Tsarnaev, and the English translation used by the FBI transliterated their last names as Tsarnayev and Tsarnayeva, respectively.[6]

On March 9, 2011, the LEGAT in Moscow sent a letter to the FSB acknowledging receipt of the information and requesting that it keep the FBI informed of any details it developed on Tamerlan Tsarnaev and Zubeidat Tsarnaeva. The LEGAT also sent the translated memorandum to the FBI's Counterterrorism Division (CTD) and the FBI Boston Field Division with leads to both components "to take any investigative steps deemed appropriate and provide [LEGAT] Moscow with any information derived, for dissemination to the [FSB]." According to available information, the LEGAT did not coordinate with or notify the CIA in March 2011 after receiving the lead information concerning Tsarnaev.

Opening and Conduct of the FBI's Assessment

The Boston JTTF subsequently conducted an assessment of Tamerlan Tsarnaev to determine whether he posed a threat to national security. The FBI Special Agent (CT Agent) who handled the assessment memorialized the steps he took in the assessment in an incident report maintained in the FBI's Guardian system, which is the FBI's threat tracking and management system for counterterrorism assessments.

The CT Agent conducted database searches, reviewed references to Tsarnaev and his family in closed FBI counterterrorism cases, performed "drive-bys" of Tsarnaev's residence, made an on-site visit to his former college, and interviewed Tsarnaev and his parents. Based on information from database searches, the CT Agent determined that Tamerlan Tsarnaev's last name was spelled "Tsarnaev," and that his correct date of birth was October 21, 1986, information that differed from the lead memorandum from the FSB. During the assessment, the CT Agent asked a CBP officer on

[6] After reviewing a draft of the report, the FBI commented that there is no standard transliteration of names from Cyrillic to Roman characters.

the Boston JTTF to create a [redacted] in TECS (the "JTTF TECS record"), which included the correct name and date of birth.[7]

The DOJ OIG determined that the CT Agent did not take certain steps during the assessment, including contacting local law enforcement, visiting the mosque that Tsarnaev attended, and conducting interviews of Tsarnaev's wife, a former girlfriend he had been arrested for assaulting in 2009, or friends and associates. The CT Agent told the DOJ OIG that he did not find sufficient derogatory information to justify taking these additional steps.

The DOJ OIG also determined that the CT Agent did not attempt to elicit certain information during interviews of Tsarnaev and his parents, including information about Tsarnaev's plans to travel to Russia, changes in lifestyle, or knowledge of and sympathy for militant separatists in Chechnya and Dagestan. The CT Agent told the DOJ OIG that he did not know why he did not ask about plans to travel to Russia, [redacted]

Additionally, the DOJ OIG determined that the CT Agent did not use every relevant search term known or available at the time to query the databases that were searched, nor did he conduct searches of several major FBI systems, including certain telephone databases and databases that include information collected under authority of the Foreign Intelligence Surveillance Act (FISA). However, searches of FBI databases conducted at the direction of the DOJ OIG during this review produced little information beyond that identified by the CT Agent during the assessment, with the exception of additional travel-related data for Zubeidat Tsarnaeva.

The FBI, through its Office of General Counsel, stated that it was not aware of any documents shared with state and local law enforcement prior to the bombings but that representatives of these agencies would have had access to the CT Agent's assessment in the Guardian system during this

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[7] TECS is a system used to, among other things, provide advance notice of international travel and vet international travelers at airports and other ports of entry.
[redacted]

[8] Redactions in this document are the result of classification and sensitivity designations we received from agencies and departments that provided information to the OIGs for this review. As to several of these classification and sensitivity designations, the OIGs disagreed with the bases asserted. We are requesting that the relevant entities reconsider those designations so that we can unredact those portions and make this information available to the public.

period.[9] Since the bombings, the FBI has taken steps to encourage greater access to FBI systems by state and local detailees to JTTFs, as well as to facilitate the sharing of JTTF information with detailees' home agencies.

Closing of the Assessment and Letters to the Russian Government

The FBI closed the assessment on June 24, 2011, having found no link or nexus between Tamerlan Tsarnaev and terrorism. The CT Agent's supervisor (CT Supervisor) told the DOJ OIG that by indicating in the Guardian system that the assessment found no nexus to terrorism he meant that the assessment found no nexus to terrorism from the time the assessment was opened to the time it was closed. He said that if after he closed the assessment the FBI received information from a foreign government suggesting a positive nexus, he would have reopened the assessment.

The CT Supervisor told the DOJ OIG that he discussed the assessment with the CT Agent before the CT Supervisor decided to close it in order to determine whether any additional steps should be taken. He stated that he decided to send a letter to the FSB in an effort to obtain further information about Tsarnaev. In the disposition note in Guardian, the CT Supervisor stated that the FBI would prepare a letter for the LEGAT office in Moscow to disseminate to the FSB. The CT Supervisor told the DOJ OIG that he probably instructed the CT Agent to draft the letter to the FSB to request additional derogatory information about Tsarnaev because the information in the original lead information "wasn't enough."

Accordingly, after the closing of the assessment, the LEGAT sent two letters to the FSB: one dated August 8, 2011, which stated that a review of FBI databases revealed no derogatory information about Tamerlan Tsarnaev and erroneously characterized him as a former prosecutor in Kyrgyzstan; and one dated October 7, 2011, which corrected the earlier error and provided information about Tamerlan Tsarnaev and Zubeidat Tsarnaeva developed during the assessment. Both letters requested that the FSB provide additional information in its possession regarding Tsarnaev. The DOJ and CIA OIGs determined that the Assistant Legal Attaché coordinated the August 8, 2011, letter with the CIA and documented this coordination,

[9] During the time period relevant to this review, DHS had detailed intelligence officers to each of the Massachusetts fusion centers in compliance with the Homeland Security Act, 6 U.S.C. § 124h(b)(5). The DHS OIG determined that the DHS intelligence officers at the fusion centers did not receive any documents or other information concerning Tamerlan Tsarnaev prior to the bombings, either from the FBI or from DHS personnel on the Boston JTTF. Other than access to the FBI's e-Guardian database, the FBI and DHS do not have an MOU or other agreement to provide fusion centers with access to JTTF information.

pursuant to an MOU between the two agencies. The DOJ and CIA OIGs did not find similar documentation that the LEGAT coordinated the October 7, 2011, letter with the CIA.

The DOJ OIG found no documentation or other information that the FSB responded to either letter prior to the bombings.

Inclusion of Tsarnaev on the Terrorist Watchlist

The Terrorist Screening Database (TSDB), known as the terrorist watchlist, is the U.S. government's central repository of records on known or suspected terrorists. The TSDB receives records from a classified database maintained by NCTC known as the Terrorist Identities Datamart Environment (TIDE), and exports information to various unclassified downstream databases, including TECS.

In September 2011, the FSB provided the CIA information on Tamerlan Tsarnaev that the OIGs determined was substantively identical to the information the FSB had provided the FBI in March 2011. On October 19, 2011, the CIA provided information obtained from the FSB to the NCTC for watchlisting purposes, and to the FBI, DHS, and the Department of State for their information. Upon receipt of the information, NCTC established a record for Tamerlan Tsarnaev in TIDE. Although there was insufficient derogatory information to establish reasonable suspicion that Tsarnaev was a known or suspected terrorist, he was watchlisted [redacted] Tsarnaev's watchlist records used two dates of birth provided by the Russian government, the "Tsarnayev" spelling of his last name, and a possible name variant. Tsarnaev's watchlist records were included in CBP's TECS database as four separate records.[10] Significant differences existed between the four watchlist-derived TECS records and the JTTF TECS record, which had been created during the FBI's assessment of Tsarnaev. Most notable were discrepancies in the spelling of his last name and his date of birth.

At the same time, the NCTC referred Tsarnaev's record to the Foreign Terrorist Tracking Task Force (FTTTF), an FBI-led task force that works to

[10] The four entries were based on combinations of each last name variant and dates of birth (1987 and 1988). Tsarnaev's watchlist record also was entered into the Department of State Consular Lookout and Support System (CLASS), used to perform name checks on passport and visa applicants, and, from December 2011 until March 2013, the Transportation Security Administration (TSA) E-Selectee list, used for pre-flight travel screening. Under the practices in place during that time, the E-Selectee list included those admitted under the exception used for Tsarnaev. Records watchlisted under the exception used for Tsarnaev subsequently were deemed ineligible for export to TSA and were removed.

identify known or suspected international terrorists operating in the United States. In December 2011, an FTTTF analyst reviewed Tsarnaev's information, conducted database searches, and determined that the Boston JTTF previously had conducted an assessment of Tsarnaev based on the same information from the Russian government. The FTTTF analyst also noted that the FBI LEGAT office in Moscow maintained an open case file on Tsarnaev.

Tsarnaev's Travel to Russia

On January 21, 2012, Tamerlan Tsarnaev traveled to Russia on an international flight from New York to Moscow. CBP received passenger data for Tsarnaev from the airline before his travel and vetted it against various databases, including TECS.[11] [redacted] This vetting alerted a CBP officer in Boston of Tsarnaev's upcoming travel. [redacted][12]

The information available to the DHS and DOJ OIGs does not conclusively establish whether the CBP Officer notified the FBI CT Agent about Tsarnaev's impending travel after being alerted to his travel. Searches of the CBP Officer's and CT Agent's e-mail records provided to the DHS and DOJ OIGs did not produce any evidence that such notification occurred by e-mail communication. Further, during separate interviews, the CBP Officer and the CT Agent each said that he had no specific recollection of whether the CBP Officer passed the travel information to the CT Agent.

However, available information indicates that the CBP Officer most likely notified the CT Agent of Tsarnaev's impending travel. The CBP Officer told the DHS OIG that his usual process when he received a travel notification was to retrieve the TECS record and then inform the agent who requested the [redacted] e-mail, orally, or by passing a "sticky note."[13] The

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[11] CBP receives advance airline passenger data prior to a flight's departure from or to the United States and checks that data repeatedly.

[12] [redacted]

[13] At the time of Tsarnaev's travel to Russia, CBP and FBI policies did not specify the means by which such notifications should occur. CBP has since changed its travel notification policy to require notification to the FBI case agent by e-mail.

CBP Officer said that he believes he followed his usual process in this instance and that the CT Agent would have told him that the lead was closed and that there was no interest in Tsarnaev's travel. The DHS OIG reviewed this CBP Officer's TECS usage on the days preceding Tsarnaev's outbound travel and confirmed that the CBP Officer accessed Tsarnaev's JTTF TECS record on the same day he was alerted of Tsarnaev's travel. Although this does not conclusively establish that the CBP Officer also notified the CT Agent of Tsarnaev's outbound travel, the DHS OIG concluded that this confirmation demonstrates the CBP Officer took action consistent with his usual process in response to the system alert. Further, the CT Agent stated that the CBP Officer reliably passed along travel information concerning other subjects in the past, and he had no reason to doubt the CBP Officer's statements that he believes he passed the notification of Tsarnaev's travel to the CT Agent in January 2012.

Tsarnaev was identified as a potential subject of interest for CBP at JFK International Airport. On the evening of January 21, 2012, when Tsarnaev's flight was departing, he was a low priority relative to the other passengers of potential concern. As a result, CBP did not review his record or conduct an outbound inspection of him before he departed.

March 2012 JTTF TECS Record

The CBP Officer who created the original JTTF TECS record configured the record to be visible to CBP officers when they conduct initial inspection of international travelers arriving in the United States, known as primary inspection. The CBP Officer included instructions in the JTTF TECS record that CBP conduct a more intensive inspection of Tsarnaev, known as secondary inspection.

TECS records are set to display during primary inspections for a certain period of time. At the end of this period, the CBP officer may change the display status of the JTTF TECS record to be visible during primary inspection for as long as the individual continues to be of interest and merits additional scrutiny.

In March 2012, the record's display status changed so that it would not display to CBP personnel during primary inspection. Neither the CBP Officer nor the CT Agent recalled discussions about retaining the record to be visible during primary inspection. However, the CBP Officer told DHS OIG that his standard practice is to review the relevant record in TECS and to speak with the relevant case agent to determine whether the record's subject still is of interest. Additionally, DHS OIG reviewed the CBP Officer's TECS usage and confirmed that he accessed the JTTF TECS record three days after the display status changed. DHS OIG determined that although this does not conclusively establish that the CBP Officer notified the CT Agent of the record's change in status, it suggests that the CBP Officer took action consistent with his usual process to determine whether to change the record's display status.

Tsarnaev's Return to the United States

On July 17, 2012, Tsarnaev returned to the United States on an international flight from Moscow to New York. CBP received passenger data for Tsarnaev from the airline [redacted] This vetting alerted a CBP Officer in Boston of Tsarnaev's upcoming travel. [redacted][14]

The DHS and DOJ OIGs were unable to determine whether the CBP Officer alerted the CT Agent about Tsarnaev's inbound travel. The CBP Officer told the DHS OIG that he did not remember receiving the alert or his actions in response to it, and the CT Agent told the DOJ OIG that he had no recollection of any discussions with the CBP Officer about the return notification. Moreover, the DHS and DOJ OIGs did not locate an e-mail communication from the CBP Officer to the CT Agent. DHS OIG reviewed the CBP Officer's TECS usage, and confirmed that the CBP Officer accessed Tsarnaev's JTTF TECS record a few hours after Tsarnaev's flight landed at JFK International Airport.

Due to differences in CBP procedures and the display status of the record, Tsarnaev was not identified as a potential subject of interest for CBP at JFK International Airport. As a result, Tsarnaev was not directed to secondary inspection. The CBP officer who conducted the primary inspection of Tsarnaev said he could not recall his encounter with Tsarnaev.

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[14] [redacted]

A CBP review of the officer's activity indicates that the officer scanned Tsarnaev's Alien Registration Card into the computer system used during primary inspection. The card was valid, and as a result, CBP took Tsarnaev's picture, collected his fingerprints, confirmed his identity, and admitted him into the United States based on his LPR status.

Significance of Tsarnaev's Travel

FBI officials disagreed about the significance of Tsarnaev's travel to Russia and whether it should have resulted in further investigative action. The CT Agent said that the travel would not have been significant because the assessment was closed and the FBI already had asked the Russians for additional derogatory information. When asked whether he would have considered taking further investigative steps had he learned of the travel at the time, the CT Agent said that he would not have done anything differently.

However, other FBI officials stated that the information would have been important to the FBI. The CT Supervisor told the DOJ OIG that he was unaware of Tsarnaev's travel to Russia until after the bombings, and that he would have expected the CT Agent to tell him in January 2012 about the TECS hit indicating that Tsarnaev was about to travel to Russia.[15] He said that had he known about the travel, he probably would have reopened the assessment, interviewed Tsarnaev upon his departure from the United States, informed the LEGAT of the travel so that a determination could have been made about notifying the Russian government, and worked with the LEGAT to request information from the Russian government about Tsarnaev's activities in Russia. The CT Supervisor also stated that "there is a very good chance" that the FBI would have interviewed Tsarnaev again upon his return from Russia had it known about the travel, but that this would have depended on what was learned from the Russians and from any secondary inspection during Tsarnaev's travel.

Similarly, the Assistant Special Agent in Charge (ASAC) in charge of the Boston JTTF during the period of the assessment expressed the belief to the DOJ OIG that if someone had "pinged" the CT Agent about Tsarnaev's travel, it would have "changed everything."[16] She also expressed the belief

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[15] The CT Agent said he did not recall having a practice of notifying his supervisor of travel notifications in closed assessments.

[16] We note, however, that the ASAC told the DOJ OIG that she was not made aware until after the Boston Marathon bombings of the Tsarnaev lead information or the FBI's assessment of Tamerlan Tsarnaev. The ASAC said that an assessment generally did not reach her attention unless it qualified as a sensitive investigative matter under the AG Guidelines. The FBI did not designate the Tsarnaev assessment as a sensitive investigative matter.

that had the Boston JTTF known that Tsarnaev traveled to Russia, and that he went to an area known to be a training ground for extremists, it would have worked with the Moscow LEGAT to obtain additional information. Additionally, she said that she believes the FBI would have opened a second assessment and interviewed Tsarnaev about why he went to Russia.

The FBI LEGAT in Moscow between May 2011 and October 2012 told the DOJ OIG that he was not aware of Tsarnaev's travel to Russia at the time and did not believe that any U.S. agency at the Moscow Embassy was aware of the travel. The LEGAT characterized the travel as "huge" and said that had this information been brought to his attention, he would have reported the information to CTD and the Boston Field Division for them to take any actions they deemed appropriate. He said that the "normal course of events" based on past cases would have been for the FBI to reopen the Guardian assessment and seek additional information from the FSB regarding Tsarnaev's activities while in Russia.

Tsarnaev's Naturalization Application

Tamerlan Tsarnaev signed an application for naturalization on August 28, 2012. The USCIS National Benefits Center (NBC), which conducts background checks to determine whether an applicant meets the requirements for naturalization, received the application on September 24, 2012. As part of its background checks, NBC searched TECS and identified the JTTF TECS record entered during the assessment, and also requested fingerprint and additional information from the FBI. Based on the information [redacted], the NBC transferred Tsarnaev's application for additional review.[17]

On October 22, 2012, an Immigration Services Officer (ISO) sent an e-mail to the CT Agent listed in the JTTF TECS record explaining that Tsarnaev had filed an application for naturalization and asking whether Tsarnaev represented a national security concern. The CT Agent subsequently searched the FBI's case management database and replied on October 23, 2012, to the ISO, "There is no national security concern related to [Tamerlan Tsarnaev] and nothing that I know of that should preclude issuance of whatever is being applied for." The CT Agent told the DOJ OIG

[17] The DHS OIG also reviewed the USCIS adjudications of the nationalization applications of the three other family members who applied, Anzor Tsarnaev, Dzhokhar Tsarnaev, and Zubeidat Tsarnaeva. Their files did not contain significant derogatory information. USCIS naturalized the three family members.

that he did not recall whether he searched public sources before replying to this e-mail.[18]

The ISO also contacted the USCIS liaison on the Boston JTTF. The liaison told the DHS OIG that when he received the ISO's e-mail, he conducted database searches and met with the CT Agent. He said that he and the CT Agent discussed the records from the assessment of Tsarnaev, including the original information provided by the FSB. The liaison said that he told the CT Agent that barring any derogatory information from this case or another source, Tsarnaev likely was eligible for citizenship, and that he recalled that the CT Agent had no opposition to Tsarnaev's naturalization. The CT Agent told the DOJ OIG that it was a "good bet" he discussed Tsarnaev's naturalization application with the liaison but did not have a specific recollection of what they discussed.

On October 26, 2012, the liaison sent an e-mail to the ISO stating that there was no current or prior investigation for Tsarnaev, and "there is no derogatory information related to national security that would adversely affect the subject's eligibility for the immigration benefit being sought at this time." Tsarnaev's application then was returned to the queue for normal processing. USCIS personnel subsequently conducted database searches for Tamerlan Tsarnaev on multiple separate dates and found no derogatory records. DHS OIG determined that USCIS personnel did not use all available aliases when conducting these searches, failing to query for the term "Tamer Tsarnayev." However, the DHS OIG concluded that had USCIS checked this alias, it would not have produced additional information.

In late November 2012, in response to a USCIS information request, the FBI conducted a database search and drafted a memorandum stating that there was no derogatory information about Tsarnaev. On December 3, 2012, the FBI returned additional information results showing Tsarnaev's arrest for assault and battery of his former girlfriend in July 2009. USCIS then requested court records to confirm that the arrest did not result in a conviction, which it did not receive before the April 15, 2013, bombings.

A USCIS officer interviewed Tsarnaev on January 23, 2013, but did not adjudicate his naturalization after the interview because USCIS had not received the court records relating to his 2009 arrest. As a result, Tsarnaev's naturalization application remained pending on April 15, 2013. The USCIS officer told the DHS OIG that had the court records been

[18] The FBI has no procedures for processing such requests for information about the subjects of closed investigations or assessments that are submitted to the FBI in connection with naturalization applications.

processed before this date, he would have had no grounds to deny the application, and Tsarnaev would have become a naturalized citizen.

V. INFORMATION OBTAINED OR FIRST ACCESSED AND REVIEWED AFTER THE BOMBINGS

The OIG teams examined information that existed prior to the bombings but was not obtained or first accessed and reviewed until after the bombings. This information included certain [redacted] to show that Tsarnaev intended to pursue jihad, statements by Tsarnaev's former girlfriend describing Tsarnaev's shift toward radical Islam between 2006 and 2009, descriptions from multiple sources of Tsarnaev's activities while in Russia in 2012, and Tsarnaev's collection and sharing of jihadi-themed videos and other extremist materials beginning at least a year prior to the bombings.

January 2011 Communications

[redacted][9]

[19] [redacted]

Interview of Tsarnaev's Wife and Former Girlfriend

After the bombings the FBI interviewed Tsarnaev's former girlfriend and his wife, Katherine Tsarnaeva. The former girlfriend provided information about changes in Tsarnaev's behavior and appearance between 2006 and 2009, including his growing interest in videos about Islam. [redacted] The DOJ OIG concluded that Tamerlan Tsarnaev's former girlfriend and wife were available to be interviewed during the 2011 assessment, but that it can never be known whether they would have provided the same information to the FBI about Tsarnaev at any time before Tsarnaev had been identified as a perpetrator of the Boston Marathon bombings while he was still alive and, in the case of Tsarnaev's wife, while he was married to her.

Tsarnaev's Travel to Russia

Tsarnaev traveled to Russia on January 21, 2012, and returned to the United States on July 17, 2012. The DOJ OIG found that no information was available in the FBI's primary data systems prior to the bombings about Tsarnaev's activities in Russia, and sought to determine what additional information existed about Tsarnaev's activities during this period and whether this information was available to the FBI before the bombings.

The DOJ OIG's review of materials provided by the FBI showed that after the bombings the FBI obtained information about Tsarnaev's activities during this period primarily from three sources: the FSB, witness interviews, and analyses of computer media from Tsarnaev's home obtained through a method only available in a full investigation. These materials showed that Tsarnaev spoke of jihad prior to traveling to Russia, and that he shared extremist articles and videos while he was in Russia.

Computer Media and Electronic Communications

The OIGs reviewed analyses of relevant information learned from exploiting the electronic media and communications of Tsarnaev and his associates after the bombings. The FBI's analysis was based in part on other government agency information showing that Tsarnaev created a YouTube account on August 17, 2012, and began posting the first of several jihadi-themed videos in approximately October 2012. The FBI's analysis was based in part on open source research and analysis conducted by other U.S. government agencies shortly after the bombings showing that Tsarnaev's YouTube account was created with the profile name "Tamerlan Tsarnaev." After reviewing a draft of this report, the FBI commented that Tsarnaev's YouTube display name changed from "muazseyfullah" to

"Tamerlan Tsarnaev" on or about February 12, 2013, and suggested that therefore Tsarnaev's YouTube account could not be located using the search term "Tamerlan Tsarnaev" before that date.[20] The DOJ OIG concluded that because another government agency was able to locate Tsarnaev's YouTube account through open source research shortly after the bombings, the FBI likely would have been able to locate this information through open source research between February 12 and April 15, 2013. The DOJ OIG could not determine whether open source queries prior to that date would have revealed Tsarnaev to be the individual who posted this material.

An FBI analysis of electronic media showed that the computers used by Tsarnaev contained a substantial amount of jihadist articles and videos, including material written by or associated with U.S.-born radical Islamic cleric Anwar al-Aulaqi. On one such computer, the FBI found at least seven issues of *Inspire*, an on-line English language magazine created by al-Aulaqi. One issue of this magazine contained an article entitled, "Make a Bomb in the Kitchen of your Mom," which included instructions for building the explosive devices used in the Boston Marathon bombings.

Information learned through the exploitation of the Tsarnaev's computers was obtained through a method that may only be used in the course of a full investigation, which the FBI did not open until after the bombings.

NSA Information

The DOJ OIG, in coordination with the IC IG, reviewed information that the NSA produced in response to a request from the IC IG. Included in this production was information from 2012 [redacted] The information concerned [redacted] This information was not accessed and reviewed until after the bombings. [redacted]

[20] In response to a DOJ OIG request for information supporting this statement, the FBI produced a heavily redacted 3-page excerpt from an unclassified March 19, 2014, EC analyzing information that included information about Tsarnaev's YouTube account. The unredacted portion of the EC stated that YouTube e-mail messages sent to Tsarnaev's Google e-mail account were addressed to "muazseyfullah" prior to February 12, 2013, and to "Tamerlan Tsarnaev" beginning on February 14, 2013. The FBI redacted other information in the EC about Tsarnaev's YouTube and Google e-mail accounts.

[redacted]

VI. SUMMARY OF ANALYSIS AND CONCLUSIONS

Based on all the information gathered during our coordinated review, we believe that the FBI, CIA, DHS, and NCTC generally shared information and followed procedures appropriately. We identified a few areas where broader information sharing between agencies may have been required, such as FBI coordination with the CIA after receiving the lead information in March 2011, or where broader information sharing in the future should be considered, such as greater sharing of threat information with state and local partners. We also identified a factual question that could not be conclusively resolved concerning whether the notification of Tsarnaev's travel to Russia was shared with the FBI CT Agent who conducted the assessment.

With respect to the FBI's pre-bombing investigation, we concluded that the FBI made investigative judgments based on information known at the time and that were within the legal framework governing its ability to gather intelligence and conduct investigations, in this case of U.S. persons. We believe it is impossible to know what would have happened had different judgments been made. With respect to post-assessment activities, we believe that Tsarnaev's travel to Russia in 2012 was significant in view of the FSB lead information and warranted further investigative action.

Each participating OIG reached specific conclusions regarding actions taken or not taken by its component agencies. We briefly summarize our most significant conclusions below.

The FBI's Assessment of Tamerlan Tsarnaev

- The AG Guidelines and the DIOG give flexibility to FBI personnel to choose a lower level of investigation, even when the factual predication for a higher level of investigation is met, if FBI personnel determine the matter can be resolved through less intrusive methods. Given the limited information available to the Boston JTTF in March 2011 concerning Tamerlan Tsarnaev, the DOJ OIG concluded that the FBI CT Supervisor and CT Agent's decision to open the investigation at the assessment level was an application of the least intrusive method principle within their investigative discretion.
- Because the lead from the FSB included information about Zubeidat Tsarnaeva, the DOJ OIG believes that the CT

Supervisor and CT Agent should have given greater consideration to opening an assessment on her. However, given that the bulk of the derogatory information in the lead arguably focused on Tamerlan Tsarnaev, the DOJ OIG concluded that it was within their discretion not to open an assessment on Zubeidat Tsarnaeva and instead to conduct limited database queries using her name and other relevant identifiers.

- The DOJ OIG concluded that additional investigative steps would have resulted in a more thorough assessment, including conducting additional database searches, asking questions of Tamerlan Tsarnaev and his parents to elicit information about any plans Tsarnaev may have had to travel to Russia, and interviewing Tsarnaev's former girlfriend and wife. However, the DOJ OIG determined that the additional database searches would not have revealed any information that was not already known to the CT Agent conducting the assessment. In addition, the DOJ OIG found that it is impossible to know what the former girlfriend and wife would have told the FBI in 2011 before the Boston Marathon bombings and while Tamerlan Tsarnaev was still alive. Therefore, it cannot be known whether these additional interviews would have yielded additional information relevant to the FSB lead information.
- The DOJ OIG found that since the Boston Marathon bombings the FBI has taken steps to encourage state and local partners on JTTFs to review the Guardian system and share relevant threat information with their home agencies. The DOJ OIG agrees with the steps the FBI has taken and recommends that the FBI take additional steps to share threat information with state and local partners more proactively.

Tamerlan Tsarnaev's Travel to Russia

- The DOJ and DHS OIGs found that there is a factual question regarding whether the DHS CBP Officer on the Boston JTTF, after receiving advance notification of the travel, informed the FBI CT Agent who conducted the assessment about Tsarnaev's flight to Russia. The OIGs believe that the CT Agent most likely did receive notice of Tsarnaev's outbound flight but we were unable to determine this fact conclusively because there was no written confirmation that the CBP Officer had conveyed this information to the CT Agent. For the same reason, the DOJ and DHS OIGs could not determine conclusively whether the CBP Officer informed the CT Agent of Tsarnaev's return flight from Russia.

- The DOJ OIG agreed with the CT Supervisor and ASAC that Tsarnaev's travel to Russia was significant and warranted further investigation. Therefore, assuming the CT Agent was aware of Tsarnaev's impending travel, we believe that he should have taken the additional investigative steps the CT Supervisor said he probably would have taken had he known about the travel. We note, however, that it is impossible to know what additional information may have surfaced through further investigation, including information obtained or accessed during the course of the FBI's full investigations initiated after the bombings.

CBP Vetting of Tsarnaev's Travel

- DHS OIG examined whether CBP vetted Tsarnaev's outbound travel to Russia according to policies and procedures and determined that it did so. DHS OIG determined that the CBP's system for vetting passenger information performed as designed, and identified Tsarnaev as a potential subject of interest. Additionally, DHS OIG examined CBP's decision not to conduct an outbound inspection of Tsarnaev and concluded that CBP's decision to scrutinize higher priority [redacted] travelers instead of Tsarnaev accorded with CBP policy and procedures.
- The DHS OIG determined that the CBP Officer's decision to allow Tsarnaev's JTTF TECS record to change display status and therefore not be visible to CBP personnel during primary inspection when he returned to the United States, was in accordance with CBP policy and procedures. Under CBP policy, the CBP Officer may change the display status of the TECS records to be visible as long as the individual continues to be of interest and merits additional scrutiny. The DHS and DOJ OIGs believe that CBP and FBI should clarify when and under what circumstances JTTF personnel may change the display status of a TECS record, particularly in closed cases.
- DHS OIG determined that CBP properly admitted Tsarnaev into the United States in July 2012 after taking Tsarnaev's picture, collecting his fingerprints, and confirming his identity and LPR status. DHS OIG also concluded that CBP's notification to the CBP Officer of Tsarnaev's inbound travel was in compliance with CBP procedures.
- CBP has taken steps since the bombing to improve the vetting process in light of lessons it learned.

Information Sharing and Coordination Between the FBI and CIA

- The DOJ and CIA OIGs found that the FBI LEGAT in Moscow did not coordinate with the CIA in March 2011, pursuant to the Memorandum of Understanding between the FBI and the CIA, after receiving the lead information from the FSB concerning Tamerlan Tsarnaev. However, we also concluded that the CIA's involvement in March 2011 likely would not have provided the FBI with information that could have been helpful to the Boston JTTF's assessment of Tamerlan Tsarnaev.

FTTTF and NCTC's handling of information about Tsarnaev

- The DOJ OIG examined the FTTTF's handling of the referral of Tsarnaev's record from NCTC, including the FTTTF's decision not to provide information about the fact of the closed FBI assessment of Tsarnaev to NCTC. The DOJ OIG determined that FTTTF practice at that time did not require the provision of information directly to NCTC. Additionally, the DOJ OIG concluded that had the fact of the closed assessment been shared with NCTC, this information may have led to Tsarnaev's removal from the watchlist.
- NCTC had in its possession the CIA's nomination of Tsarnaev to TIDE, the TIDE record derived from that nomination, and travel data from DHS regarding Tamerlan "Taarnaev's" outbound flight to Russia in January 2012.
- The IC IG determined that Tsarnaev's nomination to TIDE was at a lower priority than those that are ordinarily enhanced. The IC IG expects NCTC's new practice of seeking to enhance all U.S. person watchlisted information in TIDE will reduce the level of unmatched records for those persons in the future.
- On April 3, 2012, NCTC received information from DHS about Tsarnaev's January 21, 2012, outbound travel. The data did not correctly identify Tsarnaev as a U.S. person. Based on the information received from DHS, NCTC retained the document in accordance with procedures. Had the data accurately identified Tsarnaev as a lawful permanent resident (a U.S. person), NCTC would have been required to delete his travel information within 180 days unless it was determined to constitute terrorism information.

Adjudication of Immigration Benefits for Tamerlan Tsarnaev

- DHS OIG examined the INS's adjudication of immigration benefits for the Tsarnaev family members in 2002 and 2003, as

well as the USCIS's adjustment of their status to lawful permanent resident (LPR) in 2006 and 2007. The DHS OIG concluded that the USCIS granted these benefits in accordance with the Immigration and Nationality Act (INA) and agency policy and procedures.

- DHS OIG examined the USCIS's adjudication of Tamerlan Tsarnaev's 2012 application for naturalization and concluded that, with one exception, the USCIS conducted the naturalization processes in accordance with the requirements of the INA and the USCIS policies and procedures.[21] The one exception was that the USCIS did not check one alias, "Tamer Tsarnayev." However, the DHS OIG determined that had the USCIS checked this alias, it would not have found the TECS entries derived from Tsarnaev's watchlist record.
- DHS OIG found that the USCIS acted appropriately by contacting Boston JTTF members and receiving information that Tsarnaev did not pose a national security concern. Additionally, the ISO who interviewed Tsarnaev followed USCIS processes and policies by delaying adjudication of his naturalization application until the court records dismissing criminal allegations were obtained.

VII. RECOMMENDATIONS

In light of our findings and conclusions summarized above, the participating OIGs found no basis to make broad recommendations for changes in information handling or sharing. We nonetheless identified some areas in which existing policies or practices could be clarified or improved. Accordingly, we make the following recommendations:

1. The DOJ and DHS OIGs recommend that the FBI and DHS clarify the circumstances under which JTTF personnel may change the display status of a TECS record, particularly in closed cases.

2. The DOJ OIG recommends that the FBI consider sharing threat information with state and local partners more proactively and uniformly by establishing a procedure for notifying state and local representatives on JTTFs when it conducts a

[21] The DHS OIG also found that the USCIS adhered to statutes, policies, and procedures when it granted naturalization to Dzhokhar Tsarnaev, Anzor Tsarnaev, and Zubeidat Tsarnaeva.

counterterrorism assessment of a subject residing in or having a nexus to a representative's area of responsibility. Such a procedure would allow state and local representatives to JTTFs the opportunity to share potentially relevant information with the FBI.

IC IG FORUM

Unclassified Summary

Of Information Handling and Sharing

Prior to the April 15, 2013

BOSTON MARATHON BOMBINGS

MANAGEMENT COMMENTS

U.S. Department of Homeland Security
Washington, D.C. 20528

Homeland Security

April 9, 2014

MEMORANDUM FOR: John Roth
Inspector General

FROM: Jim H. Crumpacker
Director
Departmental GAO-OIG Liaison Office

SUBJECT: OIG Draft Report: "A Review of the Handling and Sharing of Information Prior to the April 15, 2013 Boston Marathon Bombings" (OIG Project No. 13-146)

Thank you for the opportunity to review and comment on this draft report. The U.S. Department of Homeland Security (DHS) appreciates the Office of Inspector General's (OIG's) work, and that of its national security community partners, in planning and conducting this review and issuing this report.

DHS has built close relationships with partners in communities across the Nation and improved its support to them, actions that will continue to make America stronger and more resilient to terrorist attacks, and threats and hazards of all kinds. DHS works with first responders, law enforcement, individuals, private sector partners, and communities across the country to reduce vulnerabilities and enhance preparedness while strengthening emergency response capabilities at the Federal, State, local, tribal and territorial levels. While America is stronger and more resilient as a result of efforts over the past decade to build robust national capabilities, the Boston Marathon bombings serve as a reminder that threats from terrorism persist and continue to evolve.

Since the Boston attack, DHS, the Federal Bureau of Investigation (FBI), and National Counterterrorism Center (NCTC) have expanded information sharing with state and local officials about potential threats. DHS also sent updated guidance to officers at the Joint Terrorism Task Force (JTTF) to improve on our strong foundation of collaboration with the FBI. Additionally, DHS also continues to work closely with federal partners to screen and vet domestic and international travelers, visa applicants and other persons of interest to identify potential threats.

DHS is pleased to note OIG's recognition that the Department and its external partners generally shared information and followed procedures appropriately. For example, as stated in the draft report, U.S. Customs and Border Protection (CBP) followed the appropriate policy and procedures during the outbound and inbound vetting of Tamerlan Tsarnaev's (Tsarnaev's) travel.

CBP continuously strives to improve its processes while ensuring that information provided is accurate and verified. For example, CBP established a "formalized notification procedure" to ensure documentable communication in the fast-paced environment of the JTTF.

The draft report contained one recommendation directed to DHS with which the Department concurs. Specifically, OIG recommended that:

Recommendation: The Federal Bureau of Investigation and DHS clarify the circumstances under which Joint Terrorism Task Force personnel may change the display status of a TECS record, particularly in closed cases.

Response: Concur. CBP will coordinate with FBI counterparts to determine what additional TECS record guidance is needed for JTTF personnel and how best to disseminate that guidance, as appropriate. Estimated Completion Date: September 30, 2014.

The events in Boston have highlighted how close coordination among Federal, State, and local officials is critical in the immediate aftermath and response to terrorist attacks and reinforces the principle and value of whole community contributions, including from the general public. Both the work leading up to the Boston Marathon and the quick action following the event demonstrate the significant progress that has been made over the past eleven years.

Again, thank you for the opportunity to review and comment on this draft report. Technical comments were previously provided under separate cover. Please feel free to contact me if you have any questions. We look forward to working with you in the future.

U.S. Department of Justice

Federal Bureau of Investigation

Office of the Director

Washington, D.C. 20535

April 7, 2014

The Honorable Michael E. Horowitz
Inspector General
United States Department of Justice
Washington, D.C. 20530-0001

The Honorable I. Charles McCullough, III
Inspector General of the Intelligence Community
Washington D.C. 20511

The Honorable David B. Buckley
Inspector General
Central Intelligence Agency
Washington, D.C. 20505

The Honorable John Roth
Inspector General
United States Department of Homeland Security
Washington, DC 20528-0305

Dear Inspectors General:

The FBI appreciates your thorough review of the handling and sharing of information prior to the April 15, 2013 Boston Marathon bombings. Of course, we continue to remember all who were harmed in those terrible events. But whenever a tragedy occurs, we owe it to the victims and the American people to look back and see what lessons we can learn. It's not just a useful exercise; it's an essential one.

Here, your review confirmed that when Russian authorities provided limited information to the FBI about Tamerlan Tsarnaev and his mother in 2011, the FBI acted appropriately. The FBI's Boston field office took responsible investigative steps and, as you recognized, generally shared information and followed procedures appropriately. We also concur with your recommendations. In fact, we have already taken steps to ensure that all threat information is proactively and uniformly shared with the state and local partners whose support is so critical to the success of our Joint Terrorism Task Forces.

FBI agents and analysts throughout the world, together with our law enforcement and intelligence partners, work day in and day out to protect the homeland, using all available tools consistent with our Constitution, laws and policies. They have to make critical judgments in real time, almost always with imperfect information, and often in dangerous circumstances. I am proud of the work that the Boston field office did in this case, before the bombings as well as after them, and I am proud of all the people of the FBI who have made the safety of the American people their life's mission.

Sincerely,

James Comey

James B. Comey
Director

DIRECTOR
NATIONAL COUNTERTERRORISM CENTER
Washington DC 20505

NCTC-2014-0383

MEMORANDUM FOR: I. Charles McCullough III
Inspector General of the Intelligence Community

SUBJECT: A Review of the Handling and Sharing of Information Prior to the April 15, 2013 Boston Marathon Bombings

Thank you for the opportunity to review and comment on your report on the Boston marathon bombings. As indicated in the report, NCTC has conducted its own center-wide review of related activities and relevant issues pertaining to the bombings, as is our standard practice following any significant terrorism event. Although our review did not reveal any information that would have led to discovery of the marathon plotting or attacks prior to their occurrence, we identified actions and enhancements that will refine our current and future capabilities, processes, and procedures. We are also continuing to monitor our progress with regular updates among our leadership team and will continue to work with your office going forward.

Matthew G. Olsen

April 9, 2014

Matthew G. Olsen

Date