

**Department of Homeland Security  
Office of Intelligence and Analysis  
Policy Instruction: IA-901  
Revision Number: 03  
Issued: 08/25/2022**

## **OFFICE OF INTELLIGENCE AND ANALYSIS PRODUCTION OF FINISHED INTELLIGENCE**

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### **I. Purpose**

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

### **II. Scope**

- A. This Instruction applies to all I&A personnel, including contractors supporting I&A and employees detailed from other agencies to I&A.
- B. This Instruction does not apply to the sharing of raw or unevaluated information or the analysis, production, or other assistance provided by intelligence personnel to support the authorized activities of the Department of Homeland Security (DHS) or non-DHS entities where no I&A Finished Intelligence Product is produced.
- C. This Instruction is not intended to replace or restrict other review, consultation, or oversight required by law or other authority, including that required by I&A implementing procedures for Executive Order 12333, as amended.
- D. This Instruction supersedes I&A Instruction IA-901, Revision 02, "Office of Intelligence and Analysis Production of Finished Intelligence," May 7, 2020.

### **III. References**

- A. Public Law No. 107-296, "Homeland Security Act of 2002," as amended, Title 6 United States Code (U.S.C.), Chapter 1.
- B. Executive Order 12333, "United States Intelligence Activities," December 4, 1981, as amended.

- C. Intelligence Community Directive (ICD) 107, "Civil Liberties, Privacy, and Transparency," February 28, 2018.
- D. ICD 203, "Analytic Standards," January 2, 2015.
- E. Director of National Intelligence, "Memorandum for Intelligence Community Standards and Procedures for Revised or Recalled Intelligence Products," August 5, 2005.
- F. I&A Instruction IA-1000, Revision 00, "Office of Intelligence and Analysis Intelligence Oversight Program and Guidelines," January 19, 2017.
- G. Memorandum from Secretary Alejandro N. Mayorkas, "Intelligence Product Review and Dispute Resolution," February 7, 2022.

## IV. Definitions

- A. **DHS Oversight Offices ("Oversight Offices")**: Consist of the Office of the General Counsel-Intelligence Law Division (OGC-ILD), the I&A Privacy and Intelligence Oversight Branch (PIOB), the DHS Officer for Civil Rights and Civil Liberties (CRCL), and the DHS Chief Privacy Officer (PRIV) and their respective staffs. Oversight Offices provide consultation and advice to all I&A personnel concerning legal requirements, policies for the protection of privacy, civil rights, and civil liberties, and oversight and compliance guidelines for I&A Finished Intelligence Products, and affirmatively clear I&A Finished Intelligence Products meeting the criteria described in section VI.B.1.
- B. **I&A Finished Intelligence Product**: The physical manifestation, regardless of form or format, of analytic efforts conducted in furtherance of the I&A mission, which represent the analytic assessment, judgment, or other analytic input of I&A or intelligence personnel, are required to comply with ICD 203, and are intended to be disseminated outside of DHS.
- C. **I&A Product Reviewer**: I&A personnel nominated by Mission Managers and approved by the Deputy Under Secretary (DUS) responsible for analytic programs to perform quality review of I&A Finished Intelligence Products for substantive content, accuracy, analytic tradecraft, and message of the I&A Finished Intelligence Product. Product Reviewers must have the necessary experience and training, and meet any other requirements established by the DUS.
- D. **U.S. Person (USPER)**: (1) A United States citizen, (2) an alien known by I&A to be a permanent resident alien (i.e., lawful permanent resident), (3)

an unincorporated association substantially composed of United States citizens or permanent resident aliens, or (4) a corporation incorporated in the United States, except for a corporation directed or controlled by a foreign government or governments. In determining whether an unincorporated association affiliated with a foreign-based international organization is substantially composed of United States citizens or permanent resident aliens, the membership of the entire international organization is considered if the association operates directly under the control of the international organization and has no independent program or activities in the United States, but only the membership of the organization within the United States is considered if the organization within the United States conducts programs or engages in activities separate from or in addition to those directed by the international affiliate.

## V. Responsibilities

### A. The **Under Secretary for Intelligence and Analysis (USIA)**:

1. Is responsible for producing independent, objective, and high-quality intelligence analysis to meet customer requirements.
2. Ensures that I&A conducts its activities in a manner that protects privacy, civil rights, and civil liberties and I&A employees receive the appropriate intelligence oversight and compliance training.
3. Reviews and makes final I&A determinations on elevated dispute resolutions as described in section VI.E.2.

### B. The **Deputy Under Secretary (DUS)** responsible for overseeing I&A analytic programs:

1. Establishes criteria and product lines for I&A Finished Intelligence Products.
2. Approves all I&A Finished Intelligence Products for dissemination, ensuring I&A Finished Intelligence Products, including those substantively modified in subsequent approval stages, meet oversight equities review requirements, as appropriate.
3. Issues and maintains a Standard Operating Procedure (SOP) for I&A Finished Intelligence Production and others necessary to further implement this Instruction.
4. Develops, maintains, and periodically updates all necessary training for Product Reviewers in consultation with I&A Intelligence Enterprise Readiness and the DHS Oversight Offices.

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5. Approves Product Reviewer nominations and ensures all Product Reviewers successfully complete and stay current on all applicable training.
6. Ensures all I&A personnel involved in the production and review of I&A Finished Intelligence Products have such duties reflected in their individual performance plans.
7. Reviews and makes I&A recommendations on initial dispute resolutions as described in section VI.E.1, or, where necessary, elevates the dispute to the USIA.

C. **I&A Mission Managers:**

1. Review all I&A Finished Intelligence Products under their auspices prior to final approval by the DUS or designee.
2. In consultation with the I&A Research Director and the Oversight Offices, as appropriate, ensures compliance with all applicable analytic tradecraft standards, legal requirements, policies for the protection of privacy, civil rights, and civil liberties, and oversight and compliance guidelines for I&A Finished Intelligence Products produced within or that otherwise includes content within the purview of their Mission Center.
3. Nominate to the DUS persons to serve as Product Reviewers.
4. Ensure their personnel involved in the production or review of I&A Finished Intelligence Products have received, and stay current on, analytic, oversight, and compliance-related training, and that such requirements are reflected in their individual performance plans.
5. Ensure Mission Center compliance with established SOPs for I&A Finished Intelligence Production.
6. Consult with Oversight Offices when undertaking new topics of analysis not previously examined by a Mission Center and obtain Oversight Office advice and guidance prior to producing I&A Finished Intelligence Products.
7. Ensure Oversight Offices' critical comments are either resolved or elevated for initial dispute resolution.

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8. Submit all relevant information concerning an elevated dispute resolution action, or other concerns related to the production of objective and independent analysis, to the I&A Analytic Ombuds.

D. The **Director of the Office of Regional Intelligence (ORI)**:

1. Ensures any State, Local, Territorial, and Tribal-produced analytic product that contains original I&A-authored content as described in section VI below is reviewed and cleared by relevant Mission Managers in accordance with the procedures described in section VI.
2. Ensures any I&A Finished Intelligence Product produced by I&A field-deployed personnel is reviewed and cleared by relevant Mission Managers in accordance with the procedures described in section VI.

E. The **I&A Research Director**:

1. Assists the DUS in approving all I&A Finished Intelligence Products for dissemination.
2. Maintains and communicates I&A standards for editing, style, formatting, and branding for all I&A Finished Intelligence Products.
3. Oversees the final review, editing, formatting, and DHS brand compliance review for all I&A Finished Intelligence Products and recommends to the Mission Manager or author any additional suggested changes to improve the I&A Finished Intelligence Product.
4. Oversees the dissemination of the I&A Finished Intelligence Product after appropriate approvals are received.
5. Produces, in coordination with the Director of Program and Performance Evaluation and the Oversight Offices, periodic reports that evaluate I&A Finished Intelligence Products' compliance with analytic tradecraft standards and oversight principles.

F. The **I&A Analytic Ombuds**:

1. Provides advice to the Research Director, DUS, and USIA on analytic tradecraft standards-related dispute resolution issues, as appropriate.
2. Provides training and counsel on analytic standards, integrity, and objectivity to Oversight Office personnel who perform review of I&A Finished Intelligence Products.

3. Provides counsel and assistance to I&A personnel to ensure that the production of I&A Finished Intelligence Products is conducted in compliance with Intelligence Community standards for analysis, objectivity, and integrity.
4. Maintains a log of all dispute resolution actions for record keeping.

G. **I&A Personnel:**

1. Adhere to proper analytic tradecraft, oversight, legal and compliance guidelines when drafting I&A Finished Intelligence Products.
2. Preserve at all times the independence and objectivity of intelligence. Promptly report concerns of perceived politicization, interference with the intelligence production process, or other issues that compromise the integrity of intelligence analysis to the I&A Analytic Ombuds, the Research Director, the DUS, or other cognizant authorities.
3. Successfully complete, and stay current on, applicable oversight, legal, and compliance awareness training.
4. Apply SOPs for I&A Finished Intelligence Production.
5. Seek advice from DHS subject matter experts and offices when drafting I&A Finished Intelligence Products, as appropriate.

## VI. Content and Procedures

I&A has an obligation to apply the best analytic standards and practices to all I&A Finished Intelligence Products to ensure they effectively communicate analytic insight and are produced in a manner that is independent, objective, and maintains the highest analytic integrity. I&A also must adhere to law and applicable policy and appropriately protect individuals' privacy, civil rights, and civil liberties. To accomplish this, I&A conducts a review that focuses on both content and analytic tradecraft, as well as compliance with oversight principles, guidelines, and procedures.

The review process helps to ensure that I&A Finished Intelligence Products: (1) are issued in a timely manner; (2) conform to I&A's authorized missions, analytic tradecraft and qualitative standards, and legal, policy, and regulatory requirements; (3) protect the constitutional and privacy rights of U.S. Persons and other individuals; (4) respond to the requirements of I&A customers; and (5) maintain the integrity of the intelligence process.

The DUS publishes SOPs for Finished Intelligence Production to further implement this Instruction throughout I&A, providing all necessary detail and additional guidance for the development, production, review, and dissemination of I&A Finished Intelligence

Products. The DUS may add requirements and provisions—consistent with law and this policy—as appropriate. The DUS coordinates the review of any newly proposed SOPs, or updates to existing SOPs, that relate to or otherwise impact the oversight equities review of I&A Finished Intelligence Products with the Oversight Offices.

Upon issuance of this Instruction and until such time as SOPs are published or revised, I&A follows its existing processes and procedures for the production, review, approval, and dissemination of I&A Finished Intelligence Products to the extent consistent with this Instruction and the policy reflected herein.

A. **Content and Tradecraft Review**

1. I&A Finished Intelligence Products are reviewed by at least two separate qualified Product Reviewers within their Mission Center at increasing levels of seniority.
  - a. Product Reviewers focus on the message, tradecraft, and style of the product, to include: scope, accuracy, logical argumentation, accurate sourcing and evidence, proper coordination, and clarity of writing and organization.
  - b. I&A personnel who authored the I&A Finished Intelligence Product discuss the Product Reviewers' feedback and incorporate or otherwise resolve edits that satisfy each Product Reviewer before advancing through the process.
  - c. The Mission Manager provides the final level of Mission Center review and ensures that the I&A Finished Intelligence Product has completed the appropriate review processes, complies with all analytic tradecraft standards, satisfies all applicable policies or guidelines for protecting privacy, civil rights and civil liberties, and for ensuring legal and oversight compliance, as appropriate.
    - i. The Mission Manager or ORI Director, as appropriate, ensures that any critical comment received from an Oversight Office, conflicting edits or inputs from Product Reviewers, or dissents or critical comments from analytic coordinators are resolved to the satisfaction of all parties or elevated to the DUS or, where necessary, the USIA for resolution.

B. **Oversight Equities Review**

1. Some I&A Finished Intelligence Products include information and analysis relating to USPERs, constitutionally-protected activity, or other matters that have significant oversight equities. Only those I&A Finished Intelligence Products that meet one or more of the below

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criteria are required to undergo a formal oversight equities review and receive Oversight Office clearance, as prescribed in sections VI.B.2. and 3., prior to final approval and dissemination as described elsewhere in this section and further specified in the SOP for I&A Finished Intelligence Products. All I&A personnel, however, may consult directly at any time with Oversight Offices on any product to seek advice and comment, and to aid in determining whether a product meets one of these criteria or otherwise requires formal oversight equities review.

- a. Addresses or describes populations discernible by race, ethnicity, gender, religion, sexual orientation, gender identity, country of origin, or nationality;
  - b. References or describes the activities of minors (under 18) individually or as a discernible population;
  - c. Includes Personally Identifiable Information (PII) or identifies an individual by context;
  - d. Reflects analysis based upon or derived from a “Bulk Data Collection” containing United States Person Information;
  - e. Names elected government officials, candidates for elected office, or United States political parties;
  - f. References or describes the political, religious, ideological, or Constitutionally-protected speech or activity of a U.S Person or person in the United States); and
  - g. Any additional criteria promulgated in writing by the DUS in coordination with the Oversight Offices.
2. All I&A Finished Intelligence Products that meet one or more criteria in section VI.B.1 are provided to CRCL and PRIV for review.
- a. I&A personnel work collaboratively with CRCL and PRIV to address any feedback. CRCL and PRIV comments require resolution that is mutually acceptable to the submitting office and I&A personnel or elevation to the Mission Manager where:
    - i. CRCL identifies in writing any instance in which it determines that an I&A Finished Intelligence Product does not adequately protect the civil rights or civil liberties of one or more individuals who are 1) a USPER or 2) any individual located or suspected of being located within the United States. CRCL provides a written



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justification for the determination and may offer suggested revisions to reconcile the matter.

- ii. PRIV identifies in writing any instance in which it determines that an I&A Finished Intelligence Product does not adequately protect the privacy of one or more individuals who are 1) a USPER or 2) any individual located or suspected of being within the United States. PRIV provides a written justification for that determination and may offer suggested revisions to reconcile the matter.
  - b. Parties address resolution of critical CRCL or PRIV comments in a way that preserves I&A's compliance with Intelligence Community Analytic Standards and may consult the I&A Analytic Ombuds with questions or concerns.
3. All I&A Finished Intelligence Products that meet one or more criteria in section VI.B.1 are provided to OGC-ILD and PIOB for review.
  - a. OGC-ILD comments require resolution that is acceptable to I&A personnel and legally sufficient or elevation to the Mission Manager where OGC-ILD identifies in writing any instance in which an I&A Finished Intelligence Product does not comply with law, policy, the I&A Intelligence Oversight Guidelines (I&A Instruction IA-1000), or otherwise determines the product to be legally objectionable. OGC-ILD provides a written justification for such determinations and may offer suggested revisions to reconcile the matter.
  - b. PIOB comments require resolution that is acceptable to I&A personnel and complies with the I&A Intelligence Oversight Guidelines (and any policy or procedures further implementing the I&A Intelligence Oversight Guidelines) or elevation to the Mission Manager where PIOB identifies in writing any instance in which an I&A Finished Intelligence Product does not comply with I&A Intelligence Oversight Guidelines. PIOB provides a written justification for such determinations and may offer suggested revisions to reconcile the matter.
  - c. Parties address resolution of critical OGC-ILD or PIOB comments in a way that preserves I&A's compliance with Intelligence Community Analytic Standards and may consult the I&A Analytic Ombuds with questions or concerns.
4. All I&A Finished Intelligence Products, including those that do not meet one or more criteria in section VI.B.1, are provided to the Oversight Offices.

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5. Those I&A Finished Intelligence Products not required to undergo a formal oversight equities review pursuant to section VI.B. may be advanced to the approval phase without oversight clearance, unless:
  - a. Any Oversight Office determines that the I&A Finished Intelligence Product does not adequately protect the privacy, civil rights or civil liberties of a person as contemplated in section VI.B.2.a, and that Oversight Office provides a written justification for that determination and offers suggested revisions to reconcile the matter. Under such circumstances, any comments identified require resolution that is mutually acceptable to the submitting office and I&A personnel or elevation to the Mission Manager. If unable to be resolved, such matters are subject to the dispute resolution process outlined in section VI.E as if the initial oversight equities review arose under VI.B.1.
  - b. OGC-ILD determines that the I&A Finished Intelligence Product does not comply with law, policy, the I&A Intelligence Oversight Guidelines, or is otherwise legally objectionable, consistent with how such a determination would be made and communicated pursuant to section VI.B.3.a (i.e., in writing accompanied by any suggested or critical revisions). Under such circumstances, any comments identified require resolution that is acceptable to I&A and legally sufficient or elevation to the Mission Manager. If unable to be resolved, such matters are subject to the dispute resolution process outlined in section VI.E as if the initial oversight equities review arose under VI.B.1.
  - c. PIOB determines that the I&A Finished Intelligence Product does not comply with the I&A Intelligence Oversight Guidelines (or any policy or procedures further implementing the I&A Intelligence Oversight Guidelines), consistent with how such a determination would be made and communicated pursuant to section VI.B.3.b (i.e, in writing accompanied by any suggested or critical revisions). Under such circumstances, any comments identified require resolution that is acceptable to I&A and complies with the I&A Intelligence Oversight Guidelines (and any policy or procedures further implementing the I&A Intelligence Oversight Guidelines) or elevation to the Mission Manager. If unable to be resolved, such matters are subject to the dispute resolution process outlined in section VI.E as if the initial oversight equities review arose under VI.B.1.
6. Notwithstanding section VI.B.1, I&A personnel are authorized to advance I&A Finished Intelligence Products that meet one or more criteria in that section to the approval phase if they have exhausted

every reasonable effort to obtain required Oversight Office reviews and feedback or applicable clearance is not received within the timeframes prescribed in the I&A SOP for I&A Finished Intelligence Products, or as otherwise agreed to in advance between the Oversight Office(s) and either a cognizant Product Reviewer or the Mission Manager for that particular I&A Finished Intelligence Product.

C. **Approval and Dissemination**

1. The DUS, or designee, conducts a final review and approves all I&A Finished Intelligence Products for dissemination on behalf of the USIA, ensuring that all appropriate reviews, including oversight equities review, have been completed and that the I&A Finished Intelligence Products comply or satisfy all applicable standards or requirements, as appropriate.
2. All approved I&A Finished Intelligence Products are made available to the Oversight Offices prior to dissemination.

D. **Expedited Process**

1. If an I&A Finished Intelligence Product relates to an exigent crisis or situation, the DUS may modify the processes noted above in section VI, as follows:
  - a. If the expedited process is applied to an I&A Finished Intelligence Product covered by VI.B.1, the DUS ensures the modified process allows the Oversight Offices the maximum amount of review and coordination time possible for the I&A Finished Intelligence Product to be released and still maintain its analytic value given the nature of the exigent circumstances giving rise to its production.
  - b. If the applicable review and approval processes cannot be completed within the timeframe deemed necessary by the DUS in section VI.D.1, every effort must be made to notify the respective coordination or Oversight Office(s) prior to dissemination of that I&A Finished Intelligence Product and I&A sends a copy of the disseminated product to the applicable Oversight Offices.

E. **Dispute Resolution**

1. **Initial Dispute Resolution for Oversight-Related Issues**
  - a. In the case of a dispute between I&A and an Oversight Office, the Product Reviewer and cognizant Oversight Office(s) should make a first attempt to resolve any critical edits, recalls, or revisions. If they

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cannot do so, the matter is elevated to the cognizant Mission Manager.

- b. If the Mission Manager cannot resolve the issue, the matter is elevated to the DUS or designee for review. The I&A Research Director and Analytic Ombuds assist in formulating the recommendation. If the DUS's or designee's decision does not resolve the dispute, the matter is elevated to the USIA for resolution, in consultation with OGC-ILD as to matters of law or legal interpretation.
  - i. For I&A Finished Intelligence Products that do not meet one or more of the criteria of section VI.B.1, the DUS may re-delegate their authority to recommend a resolution to a dispute between I&A and the Oversight Office.

2. Elevated Dispute Resolution Process

- a. The USIA reviews all the information to make a final determination for I&A.
- b. In the event of a disagreement between the USIA and the CRCL Officer, Chief Privacy Officer, or General Counsel concerning the resolution of critical comments or revisions to a non-exigent I&A Finished Intelligence Product, the USIA temporarily holds dissemination of that product outside the Department while the USIA and head of each affected Oversight Office expeditiously work with the Deputy Secretary to resolve the critical Oversight Office concern.
- c. Following Deputy Secretary-level resolution, the USIA incorporates, as appropriate, into a final version of the I&A Finished Intelligence Product for dissemination, revisions to content or other changes, if any, that accord with the Deputy Secretary's determination, informs the DUS and all Oversight Offices of such determinations, and provides them a final version of the I&A Finished Intelligence Product for dissemination.
- d. A record of the Deputy Secretary-level dispute resolution, along with copies of any findings, proposed revisions and changes to the I&A Finished Intelligence Product, including a final version of the I&A Finished Intelligence Product approved for dissemination, is submitted by the DUS to the I&A Research Director and, through the cognizant Mission Manager, to the I&A Analytic Ombuds to utilize and incorporate, as appropriate, into any reviews or reports described in section VI.F.

F. **Post-Production Audits, Evaluations, and Quality Reviews**

1. The I&A Research Director, in coordination with the Oversight Offices, maintains a process for conducting post-publication evaluations, audits, and reviews of I&A Finished Intelligence Products to evaluate: (a) analytic tradecraft and quality and (b) compliance with relevant oversight policies, guidelines, and principles directly related to their respective oversight authorities.
  - a. The procedures for and frequency of these evaluations and audits should minimize the impact on production activities to the extent practicable while ensuring I&A provides appropriate support to the compliance review process consistent with the authorities of these offices to inspect and review I&A materials as reflected in Executive Order No. 12333 and I&A Instruction IA-1000.
2. The I&A Research Director, in consultation with the Oversight Offices, prepares periodic reports for I&A leadership based upon substantive reviews of I&A Finished Intelligence Products disseminated and any associated evaluations or audits during the respective reporting period. The reports include:
  - a. An evaluation of I&A Finished Intelligence Product based on analytic tradecraft evaluations conducted by I&A;
  - b. An evaluation of compliance with relevant oversight policies, guidelines, and principles;
  - c. Any observations and examples of legal, oversight and compliance concerns;
  - d. Incidents of substantive recalls or revisions summaries;
  - e. Details of elevated dispute resolution actions and outcomes;
  - f. Any recommendations for revised or new I&A training or other measures of oversight and tradecraft principles to improve understanding and application; and
  - g. Any information deemed pertinent by the Research Director, the I&A Analytic Ombuds, or an Oversight Office.

## VII. Office of Primary Responsibility

The office of primary responsibility for this Instruction is the Office of the Deputy Under Secretary responsible for overseeing I&A analytic programs.

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Melissa J. Smislova  
Principal Deputy Under Secretary for Intelligence  
and Analysis

8/25/2022  
Date

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