



Executive Summary

Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation

found no evidence that the FBI placed any CHSs or UCEs within the Trump campaign or tasked any CHSs or UCEs to report on the Trump campaign. Finally, we also found no documentary or testimonial evidence that political bias or improper motivations influenced the FBI's decision to use CHSs or UCEs to interact with Trump campaign officials in the Crossfire Hurricane investigation.

Although the Crossfire Hurricane team's use of CHSs and UCEs complied with applicable policies, we are concerned that, under these policies, it was sufficient for a first-level FBI supervisor to authorize the domestic CHS operations that were undertaken in Crossfire Hurricane, and that there was no applicable Department or FBI policy requiring the FBI to notify Department officials of the investigative team's decision to task CHSs to consensually monitor conversations with members of a presidential campaign. We found no evidence that the FBI consulted with any Department officials before conducting these CHS operations. We believe that current Department and FBI policies are not sufficient to ensure appropriate oversight and accountability when such operations potentially implicate sensitive, constitutionally protected activity, and that they should require, at minimum, Department consultation. As noted above, we include a recommendation in this report to address this issue.

Consistent with current Department and FBI policy, we learned that decisions about the use of CHSs and UCEs were made by the case agents and the supervisory special agents assigned to Crossfire Hurricane. These agents told the OIG that they focused the CHS operations on the FFG information and the four investigative subjects, and that they viewed CHS operations as one of the best methods available to quickly obtain information about the predicated allegations, while preventing information about the nature and existence of the investigation from becoming public, and potentially impacting the presidential election.

During the meeting between a CHS and the high-level Trump campaign official who was not a subject of the investigation, the CHS asked about the role of three Crossfire Hurricane subjects—Page, Papadopoulos, and Manafort—in the Trump campaign. The CHS also asked about allegations in public reports concerning Russian interference in the 2016 elections, the campaign's response to ideas featured in Page's Moscow speech, and the possibility of an "October Surprise." In response, the campaign official made no comments of note about those topics. The CHS and the high-level campaign official also discussed [REDACTED]

[REDACTED] We found that the Crossfire Hurricane team made no use of any information collected from the high-level Trump campaign official, because the team determined that none of the information gathered was "germane" to the allegations under investigation. However, we were concerned that the Crossfire Hurricane team did not recall having in place a plan, prior to the operation involving the high-level campaign official, to address the possible collection of politically sensitive information.

As discussed in Chapter Ten, through the use of CHSs, the investigative team obtained statements from Carter Page and Papadopoulos that raised questions about the validity of allegations under investigation. For example, when questioned in August 2016 about other individuals who were subjects in the investigation, Page told a CHS that he had "literally never met" or "said one word to" Manafort and that Manafort had not responded to any of Page's emails. As another example, Papadopoulos denied to a CHS that anyone associated with the Trump campaign was collaborating with Russia or with outside groups like WikiLeaks in the release of emails. Papadopoulos stated that the "campaign, of course, [does not] advocate for this type of activity because at the end of the day it's...illegal" and that "our campaign is not...engag[ing] or reaching out to WikiLeaks or to the whoever it is to tell them please work with us, collaborate because we don't, no one does that..." Papadopoulos also said that "as far as I understand...no one's collaborating, there's been no collusion and it's going to remain that way." In another interaction, Papadopoulos told a CHS that he knew "for a fact" that no one from the Trump campaign had anything to do with releasing emails from the DNC, as a result of Papadopoulos's involvement in the Trump campaign. Despite the relevance of this material, as described in Chapters Five and Seven, none of Papadopoulos's statements were provided by the Crossfire Hurricane team to the OI Attorney and Page's statements were not provided to the OI attorney until June 2017, approximately ten months after the initial Carter Page FISA application was granted by the FISC.

Through our review, we also determined that there were other CHSs tasked by the FBI to attempt to contact Papadopoulos, but that those attempted contacts did not lead to any operational activity. We also identified several individuals who had either a connection to candidate Trump or a role in the Trump



Executive Summary

Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation

campaign, and were also FBI CHSs, but who were not tasked as part of the Crossfire Hurricane investigation. One such CHS did provide the Crossfire Hurricane team with general information about Crossfire Hurricane subjects Page and Manafort, but we found that this CHS had no further involvement in the investigation.

We identified another CHS that the Crossfire Hurricane team first learned about in 2017, after the CHS voluntarily provided his/her handling agent with an

—and the handling agent forwarded the material, through his supervisor and FBI Headquarters, to the Crossfire Hurricane team.

The handling agent told us that, when he subsequently informed the Crossfire Hurricane team that the CHS had access to , a Crossfire Hurricane team intelligence analyst asked the handling agent to collect from the CHS, which the handling agent did. We found that the Crossfire Hurricane team determined that there was not “anything significant” in this collection, and did not seek to task the CHS. While we found that no action was taken by the Crossfire Hurricane team in response to receiving , we nevertheless were concerned to learn that the handling agent for the CHS placed into the FBI’s files, and we promptly notified the FBI upon learning that they were still being maintained in the FBI’s files. We further concluded that, because the CHS’s handling agent did not understand the CHS’s political involvement, no assessment was performed by the source’s handling agent or his supervisors (none of whom were members of the Crossfire Hurricane team) to determine whether the CHS required re-designation as a “sensitive source” or should have been closed during the pendency of the campaign.

While we concluded that the investigative activities undertaken by the Crossfire Hurricane team involving CHSs and UCEs complied with applicable Department and FBI policies, we believe that in certain circumstances Department and FBI policies do not provide sufficient oversight and accountability for investigative activities that have the potential to gather sensitive information involving protected First Amendment activity, and therefore include recommendations to address these issues.

Finally, as we also describe in Chapter Ten, we learned during the course of our review that in August

2016, the supervisor of the Crossfire Hurricane investigation, SSA 1, participated on behalf of the FBI in a strategic intelligence briefing given by Office of the Director of National Intelligence (ODNI) to candidate Trump and his national security advisors, including Michael Flynn, and in a separate strategic intelligence briefing given to candidate Clinton and her national security advisors. The stated purpose of the FBI portion of the briefing was to provide the recipients “a baseline on the presence and threat posed by foreign intelligence services to the National Security of the U.S.” However, we found that SSA 1 was selected to provide the FBI briefings, in part, because Flynn, who was a subject in the ongoing Crossfire Hurricane investigation, would be attending the Trump campaign briefing.

Following his participation in the briefing of candidate Trump, Flynn, and another Trump advisor, SSA 1 drafted an EC documenting his participation in the briefing, and added the EC to the Crossfire Hurricane investigative file. We were told that the decision to select SSA 1 to participate in the ODNI briefing was reached by consensus among a group of senior FBI officials, including McCabe and Baker. We noted that no one at the Department or ODNI was informed that the FBI was using the ODNI briefing of a presidential candidate for investigative purposes, and found no applicable FBI or Department policies addressing this issue. We concluded that the FBI’s use of this briefing for investigative reasons could potentially interfere with the expectation of trust and good faith among participants in strategic intelligence briefings, thereby frustrating their purpose. We therefore include a recommendation to address this issue.

Recommendations

Our report makes nine recommendations to the FBI and the Department to assist them in addressing the issues that we identified in this review:

- The Department and the FBI should ensure that adequate procedures are in place for OI to obtain all relevant and accurate information needed to prepare FISA applications and renewal applications, including CHS information. In Chapter Twelve, we identify a few specific steps to assist in this effort.



Executive Summary

Review of Four FISA Applications and Other Aspects of the FBI's Crossfire Hurricane Investigation

- The Department and FBI should evaluate which types of SIMs require advance notification to a senior Department official, such as the DAG, in addition to the notifications currently required for SIMs, especially for case openings that implicate core First Amendment activity and raise policy considerations or heighten enterprise risk, and establish implementing policies and guidance, as necessary.
- The FBI should develop protocols and guidelines for staffing and administering any future sensitive investigative matters from FBI Headquarters.
- The FBI should address the problems with the administration and assessment of CHSs identified in this report, including, at a minimum, revising the FBI's standard CHS admonishments, improving the documentation of CHS information, revising FBI policy to address the acceptance of information from a closed CHS indirectly through a third party, and taking other steps we identify in Chapter Twelve.
- The Department and FBI should clarify the terms (1) "sensitive monitoring circumstance" in the AG Guidelines and the DIOG to determine whether to expand its scope to include consensual monitoring of a domestic political candidate or an individual prominent within a domestic political organization, or a subset of these persons, so that consensual monitoring of such individuals would require consultation with or advance notification to a senior Department official, such as the DAG, and (2) "prominent in a domestic political organization" so that agents understand which campaign officials fall within that definition as it relates to "sensitive investigative matters," "sensitive UDP," the designation of "sensitive sources," and "sensitive monitoring circumstance."
- The FBI should ensure that appropriate training on DIOG § 4 is provided to emphasize the constitutional implications of certain monitoring situations and to ensure that agents account for these concerns, both in the tasking of CHSs and in the way they document interactions with and tasking of CHSs.
- The FBI should establish a policy regarding the use of defensive and transition briefings for investigative purposes, including the factors to be considered and approval by senior leaders at the FBI with notice to a senior Department official, such as the DAG.
- The Department's Office of Professional Responsibility should review our findings related to the conduct of Department attorney Bruce Ohr for any action it deems appropriate. Ohr's current supervisors in CRM should also review our findings related to Ohr's performance for any action they deem appropriate.
- The FBI should review the performance of all employees who had responsibility for the preparation, Woods review, or approval of the FISA applications, as well as the managers, supervisors, and senior officials in the chain of command of the Carter Page investigation for any action it deems appropriate.

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C.	Absence of FBI CHSs Inside the Trump Campaign	311
IV.	Use of CHSs and UCEs in the Crossfire Hurricane Investigation	312
A.	No CHSs and UCEs Used Prior to the Opening of the Crossfire Hurricane Investigation	312
B.	CHS and UCE Involvement in Crossfire Hurricane.....	313
1.	Source 2.....	313
2.	Source 3.....	333
B.	Other CHSs Who Were Not Tasked As Part of Crossfire Hurricane....	336
V.	ODNI Strategic Intelligence Briefing Provided to Candidate Trump, Flynn, and Another Trump Campaign Advisor	340
	CHAPTER ELEVEN: ANALYSIS	345
I.	The Opening of Crossfire Hurricane and Four Related Counterintelligence Investigations.....	346
A.	Authorized Purpose	347
B.	Factual Predication	350
C.	Sensitive Investigative Matters (SIMs).....	352
D.	Staffing of Investigation	354
E.	Least Intrusive Investigative Techniques.....	355
II.	The FISA Applications	357
A.	The Role of the Steele Election Reporting in the Applications	359
B.	Inaccurate, Incomplete, or Undocumented Information in the FISA Applications	361
1.	The First FISA Application	363
2.	The Three Renewal Applications.....	368
3.	Failures in the Woods Process	373
C.	Conclusions Regarding the FISA Applications.....	375
1.	The Failure to Share Relevant Factual Information with OI, the Department’s Decision Makers, and the Court, and Other FISA Related Errors.....	375
2.	Failure of Managers and Supervisors, including Senior Officials, in the Chain of Command	378
3.	Clarification Regarding OGC Legal Review During the Woods Process.....	380
III.	The FBI’s Relationship with Christopher Steele and Its Receipt and Use of His Election Reporting.....	380
A.	The FBI’s Receipt, Use, and Assessment of Steele’s Reporting	382

B.	The Lack of Agreement on Steele’s Status as an FBI CHS and its Effect on the Crossfire Hurricane Team’s Relationship with Steele ...	386
IV.	Issues Relating to Department Attorney Bruce Ohr.....	390
A.	Bruce Ohr’s Interactions with Steele, Simpson, the State Department, and the FBI	392
B.	FBI Interactions with Ohr Concerning Steele and Simpson	394
C.	Ethics Issues Raised by Nellie Ohr’s Former Employment with Fusion GPS	396
D.	Meetings Involving Ohr, CRM officials, and the FBI Regarding the MLARS Investigation	397
V.	The Use of Other Confidential Human Sources and Undercover Employees and Compliance with Applicable Policies	399
E.	Use of CHSs and UCEs.....	401
F.	Compliance with FBI Policies	403
G.	Participation in ODNI Strategic Intelligence Briefing	407
	CHAPTER TWELVE: CONCLUSIONS AND RECOMMENDATIONS	410
I.	Conclusions.....	410
II.	Recommendations.....	414
	APPENDIX 1: WOODS PROCEDURES.....	418
	APPENDIX 2: FBI’S RESPONSE.....	424

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