

INVESTIGATION REPORT

On November 4, 2015, I was contacted by Lisa Umscheid, an attorney with the Oregon Department of Justice ("DOJ"), regarding my availability to conduct an investigation into the use of a digital monitoring software platform by at least one employee of the DOJ's Criminal Justice Division ("CJD" or "division"). By contract effective November 10, 2015, the DOJ retained me under the supervision of the DOJ's Supervising Attorney, Ms. Umscheid, to (a) conduct an investigation into any improper conduct and performance of employees with regard to their compilation, analysis, monitoring and use of digital information (such as content posted on websites, social media or Twitter feeds) in the course of any work performed as employees of DOJ; and (b) advise DOJ regarding the scope of an audit of the CJD's compilation, analysis, monitoring and use of digital information in connection with the division's work.

This investigation was initiated by order of Oregon Attorney General Ellen Rosenblum after she learned that DOJ/CJD employee, [REDACTED], used social media monitoring software that was being tested for potential purchase by the DOJ to conduct a search using search terms including #Blacklivesmatter. The search resulted in a review of the Twitter account of Erilus Johnson, Jr., Director of Civil Rights for DOJ and Office of Attorney General, and [REDACTED] generated a report on the outcome of the search. The Attorney General notified Mr. Johnson of this report, subsequently called for this investigation into the matter and placed [REDACTED] on administrative leave pending the outcome of the investigation.

[REDACTED] is an investigator assigned to the Oregon TITAN Fusion Center, which is a unit within the CJD's Criminal Intelligence Unit. An overview of the Criminal Intelligence Unit, as provided in writing by former DOJ Chief Counsel Darin Tweedt, is set forth below:

Criminal Intelligence Unit

The ability to gather and analyze information about criminals and their organizations is invaluable to law enforcement agencies.¹ The Criminal Intelligence Unit, aka

¹ The benefits of gathering and analyzing criminal information was recognized by the Oregon legislature in 1977 when it directed the Department of Justice to:

- (2) Establish a coordinated system of collecting, storing and disseminating information relating to organized crime.
- (3) Develop and maintain a liaison between local, state and federal law enforcement agencies in Oregon, assisting them in the investigation and suppression of organized criminal activity and encouraging cooperation among those agencies.
- (4) Conduct comprehensive factual studies of organized criminal activity in Oregon, outlining existing state and local policies and procedures with respect to organized crime, and formulating and proposing such changes in those policies and procedures as the department may deem appropriate.

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