



Maine Information and Analysis Center Advisory Board Agenda
Chairwoman Tracy Collins
And
Lieutenant Michael Johnston
Maine State Police
Meeting Date: 2/17/2020 at 1:00 PM

- Location: Attended Remotely Via Go to Meeting Application
- Meeting posted for public awareness and attendance on DPS Website and Maine State Police Website. Also forwarded to legislative council calendar and legislative committees. (Judiciary and CJ&PS).
- <https://www.maine.gov/dps/msp/specialty-units/MIAC/Meeting>
- <https://www.maine.gov/dps/news/meetings.html>
- The MIAC Advisory Board will be holding its next meeting on Wednesday, February, 17 at 1:00 PM. Due to the current pandemic and in the interest of public health and safety, MIAC will be holding a virtual meeting for members of the board pursuant to PL 2019, c. 617 and 1 MRS Section 403. Please use information below to attend either electronically via computer, smartphone or telephonically.

MIAC Advisory Board Meeting
Wed, February 17, 2021 1:00 PM-3:00 PM (EST)
<https://global.gotomeeting.com/join/471369797>

You can also dial in using your phone.
(For supported devices, tap a one-touch number below to join instantly.)

United States: +1 (408) 650-3123
One-touch: <tel:+14086503123,471369797#>
Access Code: 471-369-797

Start and end times below are an approximation

The MIAC Advisory Board Reserves the right to enter executive session pursuant to 1 MRS §405(6) as needed.

1. 1:00-1:10 Setup on Go To Meeting for participants and attendees
Welcome, Introductions and Code of Conduct for Meeting
(Chairwoman Collins)



2. 1:10-1:45 Clean-up of business from prior meeting
 - Look at draft version of revised PCRCL Audit Template
 - Review updated audit policy regarding sample size of entries to be reviewed
 - Review Maine State Police General Order on MIAC
 - Definition of investigation versus analysis
3. 1:45-2:00: MIAC Legislative Update
4. 2:00-2:30 (Executive Session) Called on motion pursuant to 1 MRS Sections 405(4), 405(6)(A)(1), 405(6)(F), 16 MRS under applicable provision of Chapter's 7 and 9 and applicable federal law and regulations ex. 28 CFR Part 20 and 6 USC Section 482(e).
 - ❖ A separate invite will be created for board members and applicable personnel for this portion of the meeting to ensure the integrity of the executive session in accordance with applicable laws. we will resume normal session using original invite)
 - Executive Session Topics
 - Review of Policy on Sovereign Citizens and Anti-Government Extremists
5. 2:30-3:00: General Discussion
6. 3:00: Adjournment



Notes from MIAC Advisory Board Meeting on 2/17/2021 at 1:00 PM

The following in substance is a summary of the meeting and should not be viewed or treated as a literal transcription.

- It is important to note that although MIAC's Advisory Board is exempt from record keeping requirements pursuant to 1 MRS §403(6) we nonetheless maintain and publish them in the interest of transparency and clarity.

IN ATTENDANCE

Because this meeting was attended remotely, and attendees are not required to identify themselves it is possible there are people who attended that are not captured below.

Advisory Board Members

Michael Feldman-Private Citizen

State Police Staff Attorney and MIAC Privacy Officer Christopher Parr

Hancock County Emergency Management Director Andrew Sankey

Maine State Police Major Brian Scott

Maine State Police Sgt. Mathew Casavant-MIAC Deputy Director

James Landau-Critical Infrastructure Representative

Chairwoman Tracy Collins-Private Attorney

Maine Emergency Management Agency Deputy Director Joe Legee

Attorney General Aaron Frey

Maine State Police Lieutenant Michael Johnston-MIAC Director

- Not in Attendance
 - Adjutant General and Maine Homeland Security Advisor Douglas Farnham
 - FBI Supervisor Special Agent Greg Hughes

Other Attendees

Sen. Susan Deschambault

Rep. Charlotte Warren

Rep. Bill Pluecker

Sen. Scott Cyrway



Brendan McQuade-Professor University of Southern Maine

Reggie Parson- Legislative Aid to Maine Speaker of the House

Nathan Bernard-Maine Beacon

Rep. Victoria Morales

Rep. Grayson Lookner

- ❖ It should be noted that not all attendees who are not part of the board are represented above. People do not have to announce their attendance when asked and some may join and then leave the meeting throughout its course or listen in by phone.

1:07pm Meeting called to order.

- Introductions of attendees.

1:13pm Begin Agenda

- ❖ Revisit topics from last meeting
 - Revision of audit template language based on recommendations from board at last meeting.
 - Question 10- Review- proposed language for clarity
 - Question 12 + 13 dealing with religious references and terminology. These questions are redundant in it was recommended that one could be deleted without impacting PCRCL
- ❖ VOTE: Sankey moves to vote on the recommended language. Feldman seconds.
 - Sankey, Moffit, Feldman, Collins, Frey, Landau vote in favor.
- ❖ Discussed MIAC's Privacy Audit Policy. Changes were made to policy based on recommendations from last board meeting regarding number of entries audited. Changes were made in the interest of board members time.
- ❖ Reviewed proposed language in Maine State Police General Order on the MIAC.
 - Distinctions were made between criminal investigation vs. intelligence analysis terminology. This is an important distinction particularly as it relates to PCRCL concerns and perceptions.

Question from Nathan Bernard- regarding the selection of topics during the audit. Can items be chosen? Asked for clarification on private citizen selection and make-up of audit team. Question will be followed up with Lt. at end of meeting.

Question from Rep. Charlotte Warren- clarification requested on terminology discussion. Lt. Johnston explains how MIAC is a fusion center which is different from a police criminal intelligence unit.

- ❖ A legislative update from Lt. Johnston.



- 1 bill submitted by Deschambault
- 1 bill submitted by Warren.
- Director Sankey asked how Representative Warrens proposed bill that would abolish funding for the MIAC would affect the Department of Homeland Security's mandate regarding fusion centers.
- Lt. Johnston advised that discussion would be limited until bill(s) are presented in official channels and follows agency policy making process.

1:45PM-

- ❖ Motion to move to Executive Session due to information which is confidential by statute by Collins (Called on motion pursuant to 1 MRS Sections 405(4), 405(6)(A)(1), 405(6)(F), 16 MRS under applicable provision of Chapter's 7 and 9 and applicable federal law and regulations ex. 28 CFR Part 20 and 6 USC Section 482(e).)
- ❖ Sankey seconds.
- In favor Sankey, Landau, Legee, Frey, Feldman, Moffitt, Major Scott.

1:54PM

Executive session comes to order (new invite was sent for Executive Session)

Attending Executive Session

Lt. Johnston, Moffitt, Landau, Legee, Frey, Casavant, Sankey, Collins, Major Scott, Parr, Feldman

- ❖ Sovereign Citizens extremists or anti-government extremist's internal policy developed. Review of need of clarification for terminology. Federal terminology definition document included.
- ❖ Sankey and Frey question. Regarding Appendix B. Why is out of state intelligence product included?
 - Casavant – Good guide or historical perspective.
 - Moffitt- Feels like this type of guideline document is often included
 - Frey- Feels there needs to be clarification and clear reasoning why NJ document is included.
 - Lt. Johnston- Should we include MIAC's situational awareness documents for Maine?
 - Sankey believes that is much more representative.
 - Casavant- MIAC has not produced a specific analytical intelligence product on this topic.
 - Feldman- As a citizen thinks a NJ document might be misunderstood.
 - Major Scott- Explains the helpfulness of such a mature analytical product.
 - Frey- Could a context be provided in the memo regarding appendix B.
 - Lt. Johnston reviews provides some suggestions to address board members concerns.
 - A provide context for out of state of product, e.g. to inform, provide context and comparison



- Additional situation awareness documents to be included specific to Maine to show contextual relevant of topic.
 - Parr pointed out that we needed to be mindful of privacy policy and involvement of creating documents of something that is not a crime.
 - Sankey concerned that the sovereign citizen is most likely to bring litigation legitimate or otherwise. What are the risks of sovereign citizens in State of Maine?
 - Moffitt- Sees value in including product. Not limited in value to just that state but also provides nationwide perspective.
 - Sgt. Casavant recommends removing all appendices until further discussion is possible.
 - Lt. Johnston- in the interest of having a working policy and not waiting for the next meeting to finalize MIAC will remove references to the out of state analytical product and only include the terminology guide. MIAC may look to include other products more specific to Maine in future iterations of the policy. MIAC will advise board if that takes place.
- 2:30 Executive session adjourned-resumed public meeting portion
- 2:33 General discussion.
- Sankey: Brought up unresolved matter regarding board members terms.
 - Lt. Johnston reviewed draft language for MIAC Advisory Board by-laws regarding terms of board members. Members serves minimum of 3 years. Col. can extend terms not to exceed 6 years consecutively.
 - Sankey believes drafted language addresses concern.
 - Parr points out answer to previously addressed question of member appointment.
- 2:39 pm – No other questions or comments. Meeting adjourned by Collins.



MAINE STATE POLICE MAINE INFORMATION & ANALYSIS CENTER

MIAC Privacy/Civil Liberties/Civil Rights (P/CL/CR) Audit Policy

The purpose of this policy is to establish the process the MIAC will follow when conducting privacy/civil liberties/civil rights (P/CL/CR) audits, which are intended to help to continually improve the Center's compliance with the MIAC P/CL/CR Policy.

The following process shall be followed when MIAC P/CL/CR audits are conducted:

1. The MIAC Director, the MIAC Compliance Officer, the MIAC P/CL/CR Officer, the Public Member of the MIAC Advisory Board, and a Member of the Board selected by the Board's Chair (the "Audit Team") shall conduct the P/CL/CR audit. If the Public Member of the Board cannot participate in an audit, then the Chair shall select another Member of the Board to participate.
2. The MIAC Director shall determine the timeframe for which the P/CL/CR audit will account.
3. To avoid any actual or perceived selection bias during the audit process, MIAC will pick activity entries at random using the "Research Randomizer" website (www.randomizer.org). A random sample of ten (10) MIAC Activity Report entries ("AR entries") for the timeframe specified shall be audited, as well shall be all entries made by the MIAC into the Federal eGuardian system during the timeframe. In addition, both of the Board Members participating in the P/CL/CR audit each shall select ten (10) AR entries to be audited from the range of AR entry report

Amended 12/12/2020

Lt. Johnston and Chris Parr

numbers that are used to generate the random sample. If any AR entry resulting from the random selection process is an administrative entry (such as a “watch desk duty” entry), that entry shall be discarded and a new one shall be randomly selected.

4. The AR entries to be audited – including the ten selected (twenty (20) total) by the respective Board Members – shall be disseminated to the Audit Team no later than fourteen (14) calendar days prior to the date of the P/CL/CR audit.
5. The MIAC Compliance Officer shall prepare a summary of each AR entry that will be reviewed during the P/CL/CR audit. The summaries may be prepared before, during, and/or following the audit. The summaries of the respective AR entries that are prepared by the MIAC Compliance Officer shall be forwarded to the MIAC P/CL/CR Officer for later inclusion in the MIAC evaluation forms described in section 6. The content summary should be de-identified information regarding each activity report that can lawfully be disseminated publicly in the interest of promoting transparency and clarity on MIAC’s activities.
6. A MIAC-designed evaluation form based on the Department of Homeland Security P/CR/CL Audit Guidance for the State, Local, Tribal, and Territorial Intelligence Component product, shall be used to audit each MIAC Activity Report entry, including all attachments to each entry.
7. The Audit Team shall meet on the date of the P/CL/CR audit to conduct the audit, either in person or virtually.
8. During the audit process, members of the audit team are encouraged to engage in constructive discussions regarding MIAC’s activities with respect to privacy, civil rights and civil liberties. Members of the audit team are also encouraged and expected to identify any activities, operations or practices which arise during the audit that should be brought forward to the MIAC Advisory Board for additional discussion and consideration.

9. Once the Audit Team has completed the P/CL/CR audit, the evaluation forms shall be finalized by the MIAC P/CL/CR Officer. The P/CL/CR Officer shall include in the appropriate AR entry evaluations forms the AR report entry summaries prepared by the MIAC Compliance Officer.
10. The MIAC P/CL/CR Officer shall prepare a report of the Audit Team's key findings. In addition, each of the Board Members participating in the P/CL/CR audit shall prepare a brief evaluation of the P/CL/CR audit and the P/CL/CR audit's findings to independently append to the audit report.
11. Once the P/CL/CR audit report is finalized and the evaluations of the two Board Members have been appended to the report, the report is complete.
12. The P/CL/CR audit report then shall be presented to the full Advisory Board at its next-scheduled meeting.

MAINE INFORMATION & ANALYSIS CENTER ("MIAC") PRIVACY AUDIT

RECORD EVALUATION FORM

Updated 12/3/2020

RECORD IDENTIFICATION NUMBER:

SUMMARY OF RECORD(S) EVALUATED*

**The content summary should be a de-identified information regarding each activity report that can lawfully be disseminated publicly in the interest of promoting transparency and clarity on MIAC's activities.*

#	QUESTION	YES	NO	NA
1	Does the RECORD provide information that is consistent with the MIAC's mission?			
2	Was the RECORD disseminated by the MIAC to any agency or person?			
	A. If the RECORD was disseminated, is there documentation evidencing that it was reviewed and approved prior to its dissemination?			
	B. If the RECORD was disseminated and it originated from another source (e.g., another law enforcement agency), did MIAC review and approve the RECORD in the same manner in which MIAC would review and approve its own RECORDs prior to their dissemination?			
	C. If the RECORD was disseminated, was it repurposed or revised by MIAC for a new audience?			
	(1) If so, was the RECORD appropriately re-labeled or labeled as necessary prior to MIAC's dissemination of the repurposed or revised RECORD?			
3	Does the RECORD require labels or ratings relating to the confidence or reliability of the information in the RECORD?			
	A. If so, are such labels or ratings included in the RECORD?			
4	Does the RECORD require any use or dissemination limitations or restrictions (legal or otherwise), given its content?			
	A. If so, are such limitations or restrictions expressly stated in the RECORD?			
5	Are any opinions of MIAC personnel stated in the RECORD?			
	A. If so, are the opinions expressly labeled or otherwise identified as such?			
6	Does the RECORD contain personally identifying information ("PII")?			

	A. If so, was the inclusion of the PII necessary?			
	B. If so, does the PII included in the RECORD relate to minors, victims of domestic violence, victims of sexual abuse, participants in substance abuse programs, or participants in mental health treatment programs?			
	(1) If so, was the PII necessary to include in the RECORD, given the information being provided in the RECORD?			
7	When it was originally reviewed, was the RECORD found to include erroneous data?			
	A. If so, was the RECORD amended or rescinded as a result?			
8	Does the RECORD expressly identify the audience for whom the RECORD is intended?			
9	Does the RECORD expressly state when the RECORD should be disregarded or otherwise purged?			
10	Does the RECORD use broad, vague descriptors (e.g., "extremist," "radical," "far left," "far right," etc.) of persons and organizations?			
	A. If so, was the use of the descriptors appropriate given the purpose of the information provided in the RECORD?			
	B. If the response to "A" is "NO," was the RECORD prepared by the MIAC?			
11	Does the RECORD include demographic descriptors pertaining to one or more individual's race, ethnicity, gender, national origin, religion, sexual orientation, or gender identity?			
	A. If so, were those descriptors appropriate to include, given the information being provided in the RECORD?			
12	Does the record discuss or reference religion?			
	A. If so, is the discussion of or reference to religion neutral?			
13	Does the RECORD relate to First Amendment-protected activity (" <i>Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.</i> ")			
	A. If so, does the RECORD include any necessary and appropriate qualifiers or context regarding First Amendment-protected activities to which the RECORD relates?			
	B. If so, was there a compelling reason to create the RECORD?			
	C. If so, was the RECORD narrowly-tailored to achieve that purpose?			

NOTES/COMMENTS

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MAINE STATE POLICE GENERAL ORDER

E-142

SUBJECT: MAINE STATE POLICE, MAINE INFORMATION & ANALYSIS CENTER

EFFECTIVE DATE: 02.26.2021

EXPIRATION DATE: 02.26.2028

RECENT HISTORY: AMENDED (02.26.2021); NEW (02.03.2021)

DISTRIBUTION CODE: 2 (MAY BE PUBLICLY DISCLOSED)

APPLICABILITY CODE: C, S, Z

SIGNATURE OF COLONEL:

I. PURPOSE

1. The purpose of this General Order is to establish the policy generally governing the Maine Information & Analysis Center.

II. POLICY

1. The policy of the Maine State Police is to administer the Maine Information & Analysis Center ("MIAC"), the fusion center of the State of Maine.

III. DEFINITIONS

1. For the purposes of this General Order, the terms included in this section are defined as follows, unless otherwise indicated in the order.

- A. Colonel. “Colonel” means the Chief of the Maine State Police, or her or his designee.
- B. Fusion center. “Fusion center” means a state-owned and operated center that serves as a focal point in states and major urban areas for the receipt, analysis, gathering, and sharing of threat-related information between State, Local, Tribal and Territorial (SLTT), federal, and private sector partners. *See* <https://www.dhs.gov/fusion-centers>.
- C. Investigation. “Investigation” means an inquiry by which a sworn law enforcement as defined by 17-A MRS §2(17) gathers and assesses facts as a direct result of a complaint that has been made by one or more individuals, and civil or criminal charges could result directly from that officer’s inquiry. “Investigation” does not include crime analysis or intelligence analysis, which includes the collection, analysis, and/or evaluation of information from a variety of sources in order to develop and disseminate actionable intelligence in support of law enforcement activities.

IV. PROCEDURE

1. PURPOSE

- A. The purpose of the MIAC is – for criminal justice, national security, and public safety purposes only – to seek, acquire, and receive information, analyze such information, and, when lawful and appropriate, retain and disseminate such information to individuals and agencies permitted access to the information.
- B. The primary responsibilities of the MIAC include conducting complex and technical research and analysis in connection with criminal, anti-terrorism, and homeland security investigations; writing reports and presenting oral briefings; and developing analytical products.

2. GUIDING PRINCIPLES

- A. In carrying out its work, the MIAC shall act in accordance with:
 - 1. Maine Gubernatorial Executive Order 24 FY 06/07, “An Order Establishing the Maine Intelligence Analysis Center”;
 - 2. The MIAC Civil Liberties/Civil Rights/Privacy Policy (MIAC CL/CR/P Policy);
 - 3. Applicable laws, regulations, and policies, including, but not limited to, 16 M.R.S. c. 9, 28 C.F.R. Pt. 23, and applicable State of Maine, Department of Public Safety, and Maine State Police General Orders and policies; and
 - 4. Applicable Department of Homeland Security grant requirements.

- B. The MIAC at times may seek guidance on civil liberties-/civil rights-/privacy-related issues and questions from the MIAC Advisory Board, which is formed in accordance with the MIAC Advisory Board Bylaws.
- C. The MIAC and personnel thereof shall **not**:
 - 1. Conduct investigations on behalf of the MIAC absent the prior authorization of the MIAC Director to do so;
 - 2. Execute or conduct searches that require Court-approved search warrants or other judicial processes such as a grand jury subpoena absent the prior authorization of the MIAC Director to do so.
- D. When required or requested to do so, the MIAC shall:
 - 1. Provide case support and research for crimes of a complex or multi-jurisdictional nature;
 - 2. Assist with ongoing incidents, such as incidents involving hostages and/or barricaded subjects and incidents involving missing persons;
 - 3. Disseminate situational awareness and crime bulletins;
 - 4. Assist in planning the execution of search warrants per Maine State Police General Order E-119; and
 - 5. Provide criminal justice agencies with types of support consistent with the types of support listed above.
- E. Each partner agency that provides personnel to work in the MIAC shall execute a Memorandum of Understanding with the MIAC that sets forth the parameters of such work and the responsibilities of the respective Parties to the MOU.

3. MIAC COMMAND STRUCTURE

A. MIAC Director

- 1. The MIAC is under the command of a Maine State Police Lieutenant appointed by the Colonel, except when the Director is unavailable, in which case the MIAC shall be under the command of the Director's designee, or, if the Director is unable to designate someone, then the MIAC shall be under the command of the designee of the Colonel.
- 2. The MIAC Director shall have primary responsibility for the operation of the MIAC.
- 3. The MIAC Director is responsible for –
 - a. All MIAC information technology system (“MIAC ITS”) operations;
 - b. Coordinating and managing MIAC personnel;

- c. Acquiring, retaining, evaluating, assessing the quality of, analyzing, destroying, sharing, and disclosing information maintained by the MIAC;
 - d. Enforcing the provisions of the MIAC Privacy Policy; and
 - e. Community outreach.
 - B. In accordance with and as described in the MIAC CL/CR/P Policy, there also shall be a MIAC Privacy Officer, a MIAC Compliance Officer; and a MIAC Security Officer.
 - C. In accordance with and as described in the MIAC CL/CR/P Policy, there also shall be a MIAC Advisory Board.
- 4. MIAC PERSONNEL
 - A. MIAC personnel shall include –
 - 1. Sworn and civilian employees of the Maine State Police assigned to work with or at the MIAC;
 - 2. Employees of Federal, State, County, and Municipal partner agencies who have been assigned by those agencies to work with or at the MIAC;
 - 3. Contractors.
- 5. SUBMISSION OF INFORMATION BY SWORN MAINE STATE POLICE PERSONNEL TO THE MIAC
 - A. Whenever practicable, sworn Maine State Police personnel shall report information to the MIAC reasonably indicative of the following:
 - 1. Preoperational planning of terrorism or significant criminal activity;
 - 2. Criminal incidents involving violence;
 - 3. Homicides and suspicious deaths;
 - 4. Bomb threats;
 - 5. Suspicious powder incidents;
 - 6. Explosive incidents involving a device or suspected package;
 - 7. Encounters with suspected Sovereign Citizens;
 - 8. Encounters with suspected members of Street Gangs;
 - 9. Encounters with violent offenders that pose a risk to officer safety.

NOTICE

THIS GENERAL ORDER IS FOR USE OF THE MAINE STATE POLICE AND NOT FOR ANY OTHER AGENCY. THE GENERAL ORDER IS NOT INTENDED

TO BE RELIED UPON BY ANY OTHER INDIVIDUAL OR PRIVATE OR PUBLIC AGENCY. THE GENERAL ORDER EXPRESSLY DOES NOT CREATE, AND IS NOT INTENDED TO CREATE, A HIGHER LEGAL STANDARD OF SAFETY OR CARE IN AN EVIDENTIARY SENSE WITH RESPECT TO THIRD-PARTY CLAIMS. VIOLATIONS OF THIS ORDER ONLY MAY FORM THE BASIS FOR ADMINISTRATIVE SANCTIONS BY THE MAINE STATE POLICE.