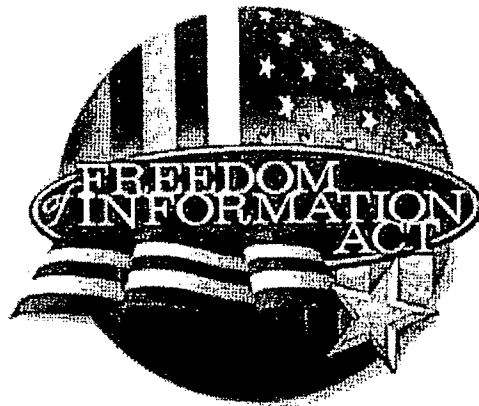


**FREEDOM OF INFORMATION
AND
PRIVACY ACTS**

**SUBJECT: MANUAL OF INVESTIGATIVE
OPERATIONS AND GUIDELINES (MIOG)**

VOLUME 3

SECTIONS 14 -23



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VOLUME III

SECTION 14-23

*Manual of
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U.S. Department of Justice
Federal Bureau of Investigation

MANUAL OF
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SECTION 14. FINGERPRINT IDENTIFICATION

14-1 HISTORICAL DATA CONCERNING FBI CRIMINAL JUSTICE
INFORMATION SERVICES (CJIS) DIVISION (FORMERLY THE
IDENTIFICATION DIVISION)

The insistent demand by police officials for one cooperative system for the compilation and exchange of criminal identification data on a national scale led to the formation of the FBI Identification Division on July 1, 1924. The fingerprint files from the Leavenworth Penitentiary and the National Bureau of Criminal Identification, which totaled 810,188 records, became the foundation of the FBI fingerprint card repository. The Identification Division and the Criminal Justice Information Services (CJIS) Division merged 5/1/93. The merger was to eliminate duplication and better conform to the new organizational structure. This consolidation of services enhances communications and services to local, state, federal, and international criminal justice agencies. (See MIOG, Part I, Section 32.)

EFFECTIVE: 12/13/95

14-2 FBI CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) DIVISION
RECORDS SYSTEM

EFFECTIVE: 03/10/94

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14-2.1 Categories of Individuals Covered by the System

(1) Individuals fingerprinted as a result of arrest or incarceration.

(2) Persons fingerprinted as a result of Federal employment applications, military service, alien registration and naturalization processes, and individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

EFFECTIVE: 05/25/90

14-2.2 Categories of Records in the System

(1) Criminal fingerprint cards and related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

(2) Civil fingerprint cards submitted by Federal agencies and civil fingerprint cards submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

(3) Fingerprint cards relating to missing persons and unidentified dead persons which are submitted by authorized agencies having criminal justice responsibilities.

(4) Identification records sometimes referred to as "rap sheets" which are compilations of criminal history information pertaining to individuals who have criminal fingerprint cards maintained in the system.

(5) A name index pertaining to each individual whose fingerprints are maintained in the system. The criminal records and the civil records are maintained in separate files. The criminal records are contained in either an automated file or a manual file depending on date of birth (refer to 14-10.1.2). The civil records are contained in a manual file. Both the criminal and civil files have an alphabetical name index related to data contained therein.

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EFFECTIVE: 05/25/90

14-3 AUTHORITY FOR MAINTENANCE OF THE SYSTEM AND USE OF
SYSTEM'S RECORDS

EFFECTIVE: 05/25/90

14-3.1 Statutory Authority for FBI | Criminal Justice Information
Services (CJIS) | Division

The system is established, maintained, and used under authority granted by Title 28, United States Code (USC), Section 534; Public Law 92-544 (86 Stat. 1115); Public Law 94-29 (89 Stat. 140); Public Law 95-405 (92 Stat. 874); and Public Law 99-399 (100 Stat. 853). The authority is also codified in Title 28, Code of Federal Regulations (CFR), Section 0.85 (b) and (j), and Sections 20.1-20.38.

EFFECTIVE: 03/10/94

14-3.2 Uses of Records Maintained in the | Criminal Justice
Information Services (CJIS) | Division

The FBI operates the | CJIS | Division Records System to perform identification and criminal history record information functions for Federal, state, and local criminal justice agencies, and for noncriminal justice agencies, and other entities, where authorized by Federal statute, state statute pursuant to Public Law 92-544, Presidential Executive Order, or regulation of Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes. Record requests are also processed in accordance with Public Law 94-29, known as the Securities Acts Amendments of 1975; Public Law 95-405, known as the Futures Trading Act of 1978; and Public Law 99-399, known as the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986.

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EFFECTIVE: 03/10/94

14-4 DISSEMINATION GUIDELINES FOR FBI | CRIMINAL JUSTICE
INFORMATION SERVICES (CJIS) | DIVISION RECORDS | (See MAOP,
Part II, 9-2.8 & 9-3.1.1.) |

EFFECTIVE: 03/10/94

14-4.1 Authorized Dissemination

EFFECTIVE: 09/26/90

14-4.1.1 FBI Criminal History Records Made Available: (See MIOG,
Part II, 14-5.1.)

(1) To criminal justice agencies for criminal justice purposes free of charge.

(2) To federal agencies authorized to receive them pursuant to federal statute or Executive order. Effective 1/3/94, an \$18 user fee may be charged for processing fingerprint cards submitted by federal government agencies for nonlaw enforcement, noncriminal justice licensing and employment purposes. A user fee ranging from \$2.00 to \$8.00 may be charged for name-check requests submitted by federal agencies for national security purposes. The fee will vary for the name-check requests depending upon whether a paper or magnetic tape format is used.

(3) To officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and, if authorized by state statute and approved by the Attorney General, to officials of state and local governments for purposes of employment and licensing (Public Law 92-544); to certain segments of the securities industry for record checks on persons involved with the transfer of securities (Section 14(f)(2) of Public Law 94-29); to the Commodity Futures Trading Commission for record checks on persons applying for licenses as commodities brokers (Public

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Law 95-405); and to nuclear power plants for record checks on persons with unescorted access to nuclear power plants or individuals granted access to Safeguards Information by power reactor licensees (Public Law 99-399). Effective 1/3/94, a user fee of \$24.00 per inquiry (non-Federal applicant fingerprint card submissions) is being charged for this service.

(4) Effective 7/1/94, a user fee of \$18.00 will be charged to federal criminal justice agencies for processing applicant fingerprint cards for firearms and related permits. Effective 10/1/94, a user fee of \$24.00 will be charged to state and local criminal justice agencies submitting applicant fingerprint cards for firearms and related permits.

EFFECTIVE: 12/02/94

14-4.1.2 | Deleted |

EFFECTIVE: 09/26/90

14-4.2 Unauthorized Disseminations

The exchange of FBI criminal history records authorized by 14-4.1 is subject to cancellation if dissemination is made outside the receiving departments or related agencies. Such misuse may also be a violation of the Privacy Act of 1974 (see Part I, Section 187 of this manual). FBIHQ should be advised of such unauthorized or illegal uses without undue delay.

EFFECTIVE: 09/26/90

14-5 INDIVIDUAL'S RIGHT TO ACCESS FBI CRIMINAL HISTORY RECORDS

EFFECTIVE: 09/25/91

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14-5.1 Access to the Record (See MIOG, Part II, 14-4.1.1 & 14-23.)

Any individual may obtain a copy of his/her FBI identification record by submitting to the FBI Criminal Justice Information Services (CJIS) Division a written request, accompanied by satisfactory proof of identity, and a certified check or money order in the amount of \$18.00 made payable to the Treasurer of the United States. Satisfactory proof of identity is defined as full name, date and place of birth, and a set of rolled-inked fingerprint impressions. For full details refer to Title 28, CFR, Sections 16.30-16.34, or Departmental Order 556-73, a copy of which is on file in each field office. The CJIS Division is available to fingerprint any person in the Washington, D.C., area who wishes to obtain a copy of his/her identification record. In the field, local agencies are usually available which will fingerprint persons for employment, licensing, and other purposes. Each field office should ascertain the identities of such agencies in its area where requesters may be referred. However, where fingerprinting services are not otherwise available; or, where available but a person who wishes to obtain a copy of his/her identification record is experiencing difficulty in obtaining his/her fingerprints, the field office should fingerprint the person.

EFFECTIVE: 03/10/94

14-5.2 Challenge to Information in FBI Identification Record

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The contributor shall promptly notify the FBI of any corrections necessary, and, upon receipt of such a notification, the FBI will make any changes necessary in accordance with the corrections supplied by the contributor of the original information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any identifiable entry on his/her record to the FBI. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry.

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EFFECTIVE: 05/14/93

14-6 NOTIFICATION OF PENDING LEGISLATION OR PROJECT REQUESTS

EFFECTIVE: 09/25/91

14-6.1 Pending Legislation

Field offices should advise FBIHQ, Attention:
|Criminal Justice Information Services (CJIS)|Division, of any pending
legislation that might curtail or restrict the legal right of state or
local criminal justice officials to fingerprint arrested persons.
|Field offices should also advise the|CJIS|Division of the passage of
any law, ordinance, or regulation requiring fingerprinting for
licensing or local/state employment.

EFFECTIVE: 03/10/94

14-6.2 Project Requests

Field offices should promptly advise the|CJIS|Division of
any requested fingerprinting projects. Information concerning the
availability of such services should be addressed to FBIHQ, Attention:
|CJIS|Division. The field should make no commitments to handle any
"project" involving submission of fingerprints to the|CJIS|Division.

EFFECTIVE: 03/10/94

14-7 INKED FINGERPRINT IMPRESSIONS - TAKING

EFFECTIVE: 03/23/92

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14-7.1 General Instructions

(1) The Criminal Justice Information Services (CJIS) Division, to date, accepts fingerprint images made from black printer's ink, specific chemical fingerprinting methods, and specific models of live-scan fingerprinting systems.

(2) The booklet, "The Science of Fingerprints," if carefully read, should thoroughly acquaint even a novice with the process of inked fingerprints. With the exception of the actual ink preparation, the principles provided also apply to taking chemically produced and live-scan generated fingerprints. Live-scan fingerprints cannot be used for obtaining fingerprint images from deformed fingers.

(3) Frequently officials fail to comply with all the instructions and illegible prints result. Accurate classification depends upon the existence of the focal points known as cores and deltas, between which ridges may be traced and/or counted. Each finger must be fully rolled from one nail edge to the other. Practice with the fingerprinting method selected will reveal the best possible fingerprint images. It is imperative that properly prepared prints be furnished the CJIS Division in order that errors may be reduced to the minimum.

EFFECTIVE: 03/10/94

14-7.2 Common Faults

(1) Failure to properly cleanse the subject's hands or the equipment before inking or scanning the fingers.

(2) Failure to fully roll the impressions in the correct finger block.

(3) Uneven inking.

(4) Overinking.

(5) Applying too much or too little pressure when rolling fingers.

(6) Fingers excessively moist.

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(7) Fingers excessively dry.

EFFECTIVE: 03/23/92

14-7.3 Major Case Prints

The Latent Fingerprint Section, Laboratory Division will retain major case fingerprint cards submitted to the CJIS Division by the FBI and other federal agencies, which are appropriately recorded and included on arrest fingerprint card (Form FD-249). The Latent Fingerprint Section will review and examine the fingerprint card and palm prints. If the Latent Fingerprint Section has no interest in the subject, the prints are forwarded to the Special Processing Unit, Identification Services Section, CJIS Division, for handling. Major case prints submitted by all other agencies are returned to the contributor.

EFFECTIVE: 12/13/95

14-7.3.1 Equipment

The necessary equipment consists of the regular fingerprint inking material and fingerprint cards, plain 8- by 8-inch cards, and cylindrical object three inches or more in diameter. Place an 8- by 8-inch white card on the cylinder. This card is then held in place by rubber bands.

EFFECTIVE: 03/23/92

14-7.3.2 Procedure

- (1) Set of fingerprints taken in the usual manner.
- (2) Record main palm print of right hand. With a roller, roll ink on the inking plate so that the entire roller is covered with a thin and even amount of ink. Take the subject's right hand and apply the ink with the roller directly to the subject's hand. The entire surface of the palm and fingers should be inked. Take the subject's inked hand and place the heel of the palm on the card at the

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lower edge. Then by using the cylindrical object placed on a desk as a roller, the inked palm print can be taken. The right hand, including the fingers, should be taken. The fingers are kept stiff and outstretched in the process of rolling the cylinder. Fingerprints are taken as a part of the process so that the palm prints can receive proper attention in the Latent Fingerprint Section, Laboratory Division, for filing purposes.

(3) Record impressions of the outer edges (little finger and thumb sides) of the palm. After the usual impression is made on the card with the right palm lying flat, the ridges under the little finger and thumb should be inked to the bottom of the palm and out to the smooth skin. Remove the card from the holder and lay flat on the table. The right side of the palm is placed at a 45-degree angle to the right of the previously printed right palm and rolled onto the card. Next the left side of the right palm is placed at a 45-degree angle to the left of the already recorded main palm print and rolled onto the card.

(4) Prints of the sides, lower joints, and tips of the fingers of right hand obtained as follows, after having placed the card on a smooth flat surface and securing by means of tape or thumb tacks:

(a) Ink the fingers from side to side for their entire length.

(b) First, an impression is made by laying the finger on its left side (45-degree angle) and raising it up to the nail.

(c) A second impression is made just to the right of the first impression laying the finger flat and raising inward to the nail.

(d) A third print is made just to the right of the second impression by laying the finger on its right side and raising to the nail.

(e) A fourth impression is made above the other three impressions by placing the tip only on its left side and rolling completely to the right, producing a rolled print of the tip only.

(f) Lastly, to the immediate right of the four impressions, record a fully rolled print of the entire areas of the lower joints of the finger. To accomplish this, hold the finger

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horizontally and place one side of the finger straight down on the card. Then, roll the finger 180 degrees to the other side, ensuring that all areas of the lower joints are clearly recorded. In recording the rolled impression of the lower joints of each finger, the direction of the roll should be the same as when recording a set of rolled fingerprints on a regular fingerprint card--that is, roll the thumbs toward the subject's body and the other fingers away from the subject's body.

(g) The end results consist of five different impressions of each finger, i.e., two side-to-tip impressions, one flat-to-tip impression, one tip impression, and one fully rolled impression of the lower joints. Prints of the same finger should be grouped on the card and identified as to right thumb, right index, etc. As many finger groups as possible may be placed on the same card and several cards may be used, if necessary; however, prints should be recorded on one side only.

(5) The same process is followed with the left hand.

(6) If more than one impression of any area is made to ensure legibility, all prints should be submitted for comparison.

(7) Every card, regardless of the type of print appearing on it, must bear the subject's name, the name of the person taking the prints, and the date taken.

EFFECTIVE: 12/13/95

14-7.4 Live-Scan Electronically Produced Fingerprint Impression

(1) On November 10, 1988, the Identification Division (now CJIS Division) published the document, "Minimum Image Quality Requirements for Live-Scan, Electronically Produced, Fingerprint Cards." This document established the criteria that live-scan fingerprint cards must meet to be accepted for processing and retention in the FBI's identification records system.

(2) Since that time, the CJIS Division and Underwriters Laboratories, Inc., have performed an aggressive series of tests to ensure that the requirements are realistic, and that fingerprints produced on live-scan systems support the CJIS Division's processing needs.

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(3) As a result of these tests, live-scan fingerprint cards produced on specific equipment configurations are now being accepted for CJIS Division processing and retention. Appropriate announcements are made as live-scan systems are evaluated and accepted for CJIS Division use.

(4) On August 30, 1991, the Identification Division (now CJIS Division) published a revision to the requirements document. The revision more accurately reflects the fingerprint processing needs of the FBI.

EFFECTIVE: 03/10/94

14-8 FINGERPRINT CARD DATA

EFFECTIVE: 03/23/92

14-8.1 Submitted by FBI

EFFECTIVE: 03/23/92

14-8.1.1 Subjects Incidental to Arrest

When fingerprinting an arrestee, at least two sets of fingerprints should be taken on the criminal fingerprint card (Form FD-249). Both cards should be filled out completely with particular attention given to the following:

(1) The card should reflect the local FBI office as the contributor.

(2) Set forth complete charge in narrative form in the "Charge" block; statute citation should go on the back of the fingerprint card.

(3) Date of arrest.

(4) Full name and descriptive data.

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(5) Check appropriate "Photo Available" block on back of card; retain photo in field office file (do not attach to the fingerprint card).

(6) Show the local United States Marshals Service (USMS) Originating Agency Identifier Number (ORI#) and address in the "Send Copy To" block on the back of the fingerprint card (local USMS ORI# can be obtained from the USMS or through an inquiry of the NCIC). This notation ensures that the USMS office assuming custody of the arrestee will receive a copy of the Criminal Justice Information Services (CJIS) Division response, i.e., either the subject's criminal record or a notification that he/she had no prior criminal record. The USMS should be provided the duplicate set of prints and should be advised that the original fingerprint card has been forwarded to the FBI/CJIS Division. This will assure the USMS that they will receive the results of the criminal history record check of the CJIS Division and will eliminate their need to fingerprint the arrestee. This also applies to situations in which a Federal prisoner (who is incarcerated in an area where there is no deputy marshal) is released at a hearing or arraignment before the marshal can obtain the prisoner's fingerprints. (See MIOG, Part II, 14-8.2.)

(7) Disposition, if known, or submit it promptly when ascertained.

EFFECTIVE: 03/10/94

14-8.1.2 Suspects Only

(1) "Suspect" to be indicated in space marked "Charge" on fingerprint card.

(2) Fingerprints returned to field office after search and to be filed in 1-A section of investigative case file.

(3) If identification is made with a previous arrest record, a copy of record will be furnished to the field at time fingerprint card returned.

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EFFECTIVE: 03/23/92

14-8.1.3 Informants

(1) Use criminal fingerprint card (FD-249) and forward to Criminal Informant Unit, Intelligence Section, Criminal Investigative Division, for referral to the CJIS Division. ba

(2) Contributor is FBI field office.

(3) Place the word "inquiry" in "Charge" space on face of card.

(4) Full name and descriptive data.

(5) Prints are retained by the CJIS Division if classifiable [REDACTED]

EFFECTIVE: 03/10/94

14-8.1.4 Juveniles

Juveniles may be fingerprinted in accordance with the provisions of Title 18, USC, Section 5038 (see Part II, Section 4 of this manual).

EFFECTIVE: 03/23/92

14-8.1.5 FBI Applicants (See MIOG, Part I, 67-11.3.8, 67-17.1.7.)

FBI support applicants, who are favorably recommended, are to be fingerprinted at the time they are interviewed. FBI Special Agent applicants are to be fingerprinted at the time of their panel interview. Cards are to be submitted to FBI Headquarters, Attention: Personnel Division, along with application, interview sheets, questionnaires and examination papers. In every instance, applicant for FBI position should be fingerprinted by FBI personnel.

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EFFECTIVE: 04/21/94

14-8.2 Submitted by U.S. Marshals Service

Primary duty of U.S. Marshals Service (USMS) is to fingerprint every Federal prisoner (except juveniles, see 14-8.1.4) without delay as soon as custody is assumed. USMS should be shown as contributor together with date of arrest, charge, and other data. Reverse side of card should be marked to designate copy of reply to interested FBI field office or offices. However, a defendant turned over to the custody of the USMS will not be fingerprinted, provided the arresting agency assures that it has already done so and has included the USMS in the distribution of the criminal history in the "Send Copy To" block of the FD-249 (see Section 14-8.1.1).

EFFECTIVE: 09/25/91

14-8.3 Submitted by Other Criminal Justice Agency for FBI

Where subject is fingerprinted by another criminal justice agency for the FBI pursuant to arrest for which Federal process outstanding, FBI field office should be shown as contributor, together with date of arrest, charge, and descriptive data. Fingerprint card should be marked for copy of reply to local criminal justice agency if latter interested.

EFFECTIVE: 09/25/91

14-8.4 Submitted by Local Criminal Justice Agency on a Local Charge

When subject is fingerprinted by a local criminal justice agency on a local charge, such as car theft, and FBI interested as possible ITSMV violation, local criminal justice agency should be shown as contributor, together with local charge, date of arrest and descriptive data. Copy should be indicated for appropriate FBI field office by indicating in the "Send Copy To" block on the back of the fingerprint card, the field office Originating Agency Identifier Number (ORI#) and address.

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EFFECTIVE: 09/25/91

14-9 FINGERPRINT CARDS - TYPES

EFFECTIVE: 09/25/91

14-9.1 Distributed to Criminal Justice Agencies Without Charge

EFFECTIVE: 09/25/91

14-9.1.1 Criminal Fingerprint Card (FD-249)

This card is used by criminal justice agencies to record the finger impressions of those persons who have been arrested or incarcerated in a penal institution. The criminal card includes information regarding the arrest charge, the disposition, and other information relating to the physical description. Space is provided for the FBI number and should be indicated when it is known. Spaces are also provided for the contributor of the fingerprints to indicate whether or not a reply is desired and if a collect wire reply or collect telephone reply is desired. Due to the requirements of the Criminal Justice Information Services (CJIS) Division's automated services system, when a contributor places an FBI number on the fingerprint card, it is also necessary to submit a full set of fingerprints.

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14-9.1.2 Applicant Fingerprint Card (FD-258)

This fingerprint card is used in submitting fingerprints to the |CJIS| Division on persons directly employed in or applying for criminal justice positions or in those instances where authorized by Federal statute, Presidential Executive Order, state statute pursuant to Public Law 92-544, or regulation of the Attorney General of the United States.

EFFECTIVE: 03/10/94

14-9.1.3 Personal Identification Card (FD-353)

This card is used solely for recording finger impressions of those persons who voluntarily submit their fingerprints for purposes of identification only. These cards are available to anyone who desires to forward his/her fingerprints to the |CJIS| Division for retention. With regard to the fingerprints of children who have been printed by parents for identification purposes, the parents are urged to retain the child's prints which should be forwarded to the appropriate law enforcement authorities only if the child becomes missing. They are not searched against the criminal file. Personal identification fingerprint cards are filed in the civil file of the |CJIS| Division.

EFFECTIVE: 03/10/94

14-9.1.4 Personnel Fingerprint Card (FD-380)

This card is used exclusively for the taking of fingerprints of FBI personnel at the time they enter on duty. It is distributed to FBI field offices only.

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14-9.2 Not Distributed by FBI but Processed in the Criminal
Justice Information Services (CJIS) Division

EFFECTIVE: 03/10/94

14-9.2.1 Office of Personnel Management (OPM) Fingerprint Card

This card (SF-87) used for taking of fingerprints of U.S. Government employees who come within purview of Government security program.

EFFECTIVE: 09/25/91

14-9.2.2 Armed Forces Fingerprint Card

This card (DD-2280) used by Army, Air Force, Marine Corps, and Navy for taking of fingerprints of military personnel.

EFFECTIVE: 09/25/91

14-9.2.3 U.S. Coast Guard Fingerprint Card

This card (DD-2280) used for personnel of U.S. Coast Guard. Identification Division (now CJIS Division) has filed since 11/15/48 a copy of these fingerprint cards as part of its civil fingerprint file. Coast Guard maintains a separate fingerprint file.

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14-9.2.4 Alien Registration Fingerprint Card (See MIOG, Part II,
14-10.2.1 & 14-10.2.2.)

This card (AR-4) was used by State Department and U.S. Immigration and Naturalization Service. Identification Division (now CJIS) has filed these fingerprint cards since 1940 when Alien Registration Act went into effect concerning fingerprinting of aliens. The fingerprinting requirement in the Act was rescinded in 1986 and, therefore, cards are no longer being received for filing. No other fingerprint file is maintained on alien registrations.

EFFECTIVE: 03/10/94

14-10 FILES IN THE CRIMINAL JUSTICE INFORMATION SERVICES (CJIS)
DIVISION

EFFECTIVE: 03/10/94

14-10.1 Criminal File

EFFECTIVE: 09/25/91

14-10.1.1 Fingerprint Card File

The first retain fingerprint card received on persons arrested or incarcerated by local, state, and/or Federal authorities is assigned an FBI number. This card is filed in the Technical Section Master Criminal Fingerprint File by the fingerprint classification formula. This file is divided into male and female sections as well as age group. When a subsequent set of retain fingerprints is submitted and found to be identical with the first arrest in the CJIS Division's automated services system, the retain print will be maintained on microfilm. If the record has not been fully automated, the record will be fully automated before processing of the retain fingerprint card is complete. All wanted, flash and

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missing persons notices are placed in the subject's computerized criminal name record. Unidentified missing person notices are returned to the sender. Unidentified missing person fingerprint cards are filed in the criminal file, which is indexed by the fingerprint classification formula.

EFFECTIVE: 08/18/94

14-10.1.2 Criminal Name Indices (See MIOG, Part II, 14-2.2(5) & 14-12.2.)

The name and descriptive information (e.g., aliases, sex, race, date and place of birth, social security number, etc.) appearing on criminal fingerprint cards submitted to the CJIS Division are indexed in the division's criminal name indices. All such data relating to offenders born on or after 1/1/29 is computerized. Data relating to offenders born prior to 1/1/29 is still maintained on name index cards and searched manually. If the current retain criminal card is found to be identical to a manual record, the subject's record will be maintained in the CJIS Division's automated services system. A match on the basis of name and other descriptors cannot be reported as a positive identification without a subsequent fingerprint comparison.

EFFECTIVE: 08/18/94

14-10.2 Civil File

EFFECTIVE: 03/23/92

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14-10.2.1 Fingerprint Card File

This file contains fingerprint cards of military personnel, Federal employees, aliens, miscellaneous applicant-type fingerprints, and fingerprints submitted for personal identification. With the exception of the aliens and personal identification cards, these cards are placed in this file provided no criminal card is located in the criminal file. In the case of personal identification fingerprint cards and alien registration fingerprint cards, no search is made by either name or fingerprint classification and the cards are automatically filed in the civil file. This file is divided into male and female.

EFFECTIVE: 03/23/92

14-10.2.2 Civil Name Indices

Names appearing on fingerprint cards of military personnel, Federal employees, aliens, miscellaneous applicant-type fingerprints, and fingerprints submitted for personal identification are indexed on 3- by 5-inch cards. On this index card appear name, race, height, weight, date of birth, fingerprint classification, registry number (military service, alien registration, etc.) and submitting agency. This file is divided into male and female. (Refer to 14-9.2.4--No new alien fingerprint cards are being added to file.)

EFFECTIVE: 03/23/92

14-10.3 Missing Person Fingerprint File (See MIOG, Part I, 7-14.8(4), 79-1.2; Part II, 16-16.3(2).)

This file contains fingerprint cards of persons reported missing to law enforcement agencies and entered into the National Crime Information Center (NCIC) Missing Person File under any of the NCIC entry criteria. The criteria are set forth in the NCIC OPERATING MANUAL, Part 8, Section 1, Subsection 1.1, Page 8-1. The fingerprint card for a person reported as missing is kept in the CJIS Division Information Services Section's (ISS) (formerly Technical Section) Master Criminal Fingerprint File until advised by the contributor to remove the card, or until the missing person reaches the age of 99.

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EFFECTIVE: 05/13/96

14-10.4 FBI Number

All criminal fingerprint cards which are to be retained in the CJIS Division files are given an FBI number if one has not been assigned previously. A number is assigned upon receipt of the first set of prints. FBI numbers are assigned in numerical sequence and no distinction is made between males and females. Assignment of an FBI number does not mean that an individual has an arrest record because certain civil fingerprint cards are assigned FBI numbers. When FBI number is known for an individual, it should be referred to in correspondence. An FBI number will be found:

(1) On microfilmed 3- by 5-inch index cards in the manual name index files.

(2) Deleted

(3) In the CJIS Division's automated services system.

(4) On "master" fingerprint card in the manual fingerprint card file of the ISS.

(5) On other fingerprint cards filed in folders called jackets which contain a variety of criminal history records for an individual.

(6) Deleted

(7) On fingerprint cards/records on microfilm.

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14-10.5 Deleted

EFFECTIVE: 03/23/92

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14-10.5.1 Deleted

EFFECTIVE: 03/23/92

14-10.5.2 Deleted

EFFECTIVE: 03/23/92

14-10.5.3 Deleted

EFFECTIVE: 03/23/92

14-10.6 Dead File (See MIOG, Part I, 79-1.2; & Part II,
14-15.2.)

(1) Effective 10/1/88, the Identification Division (now Criminal Justice Information Services (CJIS) Division) will deactivate an identification record and move the record to its Dead File only when a current fingerprint(s) submission which the CJIS Division knows was taken from the deceased body is matched to the record or a Fingerprint Identification Indicator (FII) submission is received from a state in conjunction with the National Fingerprint File (NFF). When a fingerprint(s) taken from a deceased individual or an FII from an NFF state is received and matched to fingerprints on file in the CJIS Division's Criminal File, the subject's record is removed from the active file and placed in the Criminal Dead File and later filmed. Since 1/3/84, all criminal deceased name records have been entered in the former Identification Division's Automated Services System (IDAS) (now CJIS) and retained for seven years, if the year of birth is 1929 or after. Also, effective 10/1/88, when a fingerprint(s) of a deceased individual is matched to fingerprints in the former Identification Division's (now CJIS) Civil File, the civil print is retained in the Civil Dead File for seven years with a stamped notation on the back as to why the record was deactivated and moved to the Dead File. A fingerprint card of an unidentified deceased person which is received at the CJIS Division as "John Doe," "Jane Doe," or "Unknown" will be searched in the Criminal, Civil, and Missing Person Fingerprint Files; and, if no identification is effected, the fingerprint card will be retained for a period of seven years and then destroyed.

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(2) The processing of fingerprint cards for deceased persons whose identities are known will be rejected at point of receipt. The CJIS Division will accept and process all known deceased fingerprint cards that are accompanied by correspondence or a notation on the fingerprint card itself seeking positive verification of entitlement to veterans benefits.

EFFECTIVE: 03/10/94

14-11 PROCESSING OF FINGERPRINT CARDS IN THE CRIMINAL JUSTICE
INFORMATION SERVICES (CJIS) DIVISION

Fingerprint cards received in the CJIS Division are in the nature of inquiries demanding prompt replies. All fingerprints received are handled on a priority basis consistent with urgency in a particular case. Generally speaking, arrest-type fingerprints from criminal justice agencies are given top priority followed by various categories of applicant-type fingerprints. Processing involves the following:

- (1) Deleted
- (2) Recording the number of prints received on a daily basis.
- (3) Indicating any special handling, such as wire answer or search of military files.
- (4) Record the date of receipt of the fingerprint card by assigning a Process Control Number.
- (5) Search all incoming fingerprint cards through the Automated Name Search. If no tentative identification is effected, an Automated Technical Search is performed. A manual name and technical search is performed on those subjects with a date of birth prior to 1932.
- (6) Those tentatively identified with prior records are verified by comparison of the finger impressions.
- (7) Deleted

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(8) When an identification has been effected and verified, the complete record is assembled, consolidated, and necessary replies forwarded to the interested agencies.

EFFECTIVE: 03/10/94

14-12 REQUESTING RECORDS FROM THE CRIMINAL JUSTICE INFORMATION
SERVICES (CJIS) DIVISION (See MAOP, Part II, 7-2.1.)

EFFECTIVE: 03/10/94

14-12.1 Requirements for Positive Identification - One of the Following:

(1) Actual comparison of the fingerprints.

(2) Submission of name plus FBI number. The Interstate Identification Index (III) should be accessed initially to determine if an arrest record is available through the III before an inquiry is made of the CJIS Division (see Section 14-12.3.3).

(3) Submission of name plus local arrest, commitment, registry, applicant, or military service number. There are exceptions in this category, such as, common names, which may make a search of the voluminous automated or manual name file impractical.

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14-12.2 Possible Identification

A possible identification of a name and general descriptive data may be made by searching the Interstate Identification Index (III) or the automated or manual name file (depending on date of birth, refer to 14-10.1.2). While good results may often be obtained when only general information is available, specific identifiable information produces better results and considerable savings of time and effort.

EFFECTIVE: 09/25/91

14-12.3 Procedures for Requesting Records for Field Offices

EFFECTIVE: 09/25/91

14-12.3.1 Submission of Fingerprint Card by Field Office

(1) Preprinted fingerprint cards bearing contributor and ORI number are furnished by the CJIS Division.

(2) Only the field office or agency to which ORI number is assigned should use this card, and CARD SHOULD NOT BE EXCHANGED BETWEEN OFFICES OR AGENCIES.

(3) Do not delay submission of fingerprint cards pending final disposition of case.

(4) Reply will be furnished to office or agency appearing in ORI space on card, and this agency will be listed on identification record as the arresting agency.

(5) Cover letters need not be used.

(6) FBI number, when available, should be placed on card in space designated.

(7) Full identifying data to appear in spaces provided.

(8) Investigative file number, when available, is placed in "your no. OCA" space on the face of the card.

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(9) Note on back of card any special handling desired before a specific date, as such eliminates the necessity of a letter or teletype.

EFFECTIVE: 03/10/94

14-12.3.2 Notation on Fingerprint Card Submitted by Another Agency

(1) Specifically requests copy of record be forwarded to interested field office.

(2) No cover letter necessary.

(3) If FBI Agent present at time individual involved in FBI investigation is fingerprinted by another agency, ensure above notation is placed, and best obtainable set of prints forwarded to CJIS Division.

(4) Each field office should have a definite arrangement with U.S. Marshal, as well as criminal justice agencies of larger cities, for ensuring above notation placed on back of fingerprint card when warranted.

EFFECTIVE: 03/10/94

14-12.3.3 Form FD-9 (See MIOG, Part I, 26-3(2) & Part II, 14-12.1.)

(1) If an NCIC computer terminal is readily available, the Interstate Identification Index (III) should be accessed to determine if an arrest record is indexed for your individual before submission of FD-9. If the individual inquired upon has a date of birth of 1956 OR LATER and no record is located in III, no record exists in the FBI's CJIS Division and no submission of an FD-9 is needed. If the individual has a date of birth PRIOR to 1956 and no record is located, an FD-9 should be submitted to the FBI's CJIS Division because an arrest record may exist which is not automated and indexed in the III. Refer to your NCIC OPERATING MANUAL, Part 10, which includes the III User's Guide for specific guidelines for accessing III.

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(2) When a large volume of record checks is needed and descriptive data can be obtained from an existing automated file, an alternative to using the III or the FD-9 is Name Searching by Machine Readable Data (MRD). The data is formatted into the CJIS Division standard format and then Name Checks can be processed by magnetic tape and results provided automatically.

(3) The following instructions pertain to the submission of Form FD-9:

(a) Name and arrest number or other number under which fingerprints have been submitted.

(b) FBI number if known.

(c) All known aliases.

(d) Fingerprint classification, if FBI number not known.

(e) No file copy of FD-9 necessary.

(f) Notation made in field office file showing request.

(g) FD-9 returned to field office with results.

1. No record, so noted on form.

2. If identified, copy of record attached to form.

3. Serialize and place in file.

(h) FD-9 can be submitted in legible hand printing.

EFFECTIVE: 03/10/94

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14-12.3.4 Form FD-165 (See MIOG, Part I, 137-9.)

This form serves a dual function and is used to place a Bureau field division stop whenever the field requests a wanted for questioning and/or interview, without a federal warrant or, whenever the field requests a flash be placed for informants, applicants for federal pardons, Pretrial Diversion, etc. (See MIOG, Part I, 73-8.3, and Correspondence Guide-Field, 3-13.)

(1) Causes a stop to be placed against the CJIS Division's criminal record file when wanted for questioning and/or interview if fingerprints exist. If no fingerprints exist on the subject, then a stop is placed in the automated name indices file.

(2) Causes a stop to be placed against the CJIS Division's criminal record file when a flash is requested for informants, applicants for federal pardons, Pretrial Diversion, etc., if fingerprints exist. If no fingerprints exist, the FD-165 is returned to the originating field office. When a flash is requested for an informant and no fingerprints exist, a name stop is placed.

(3) At the time a stop is placed, the FD-165 can also be used to request the identification record on the subject. The identification record will be forwarded to the office submitting the FD-165. Thereafter, this record can be accessed through the III for any additional requests for the identification record.

EFFECTIVE: 11/18/96

14-12.3.5 Request for Photographic or Laminated Copy of Fingerprint Card by FBI Field Office (See MIOG, Part II, 21-23(22).)

(1) Direct airtel, memorandum, or teletype to FBIHQ, Attention: CJIS Division.

(2) FBI number and number of copies needed should be indicated in request.

(3) If fugitive, the Office of Origin should ensure fugitive's FBI number is entered in his/her Wanted Person File record in NCIC before requesting copies of the fingerprint card.

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EFFECTIVE: 03/10/94

14-13 PHRASEOLOGY OF RECORDS FURNISHED BY THE |CRIMINAL JUSTICE
INFORMATION SERVICES (CJIS) |DIVISION

EFFECTIVE: 03/10/94

14-13.1 Identifiable Records

Since fingerprint records furnished by the |CJIS|Division under FBI numbers contain civil as well as criminal notations, they should be referred to as "identification," rather than "criminal," records.

EFFECTIVE: 03/10/94

14-13.2 Nonidentifiable Records

When a search is made against the criminal fingerprint file and no record is found, the |CJIS|Division will use the phraseology, "No arrest record FBI." FBIHQ and field offices likewise should use such phraseology in their communications when applicable.

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14-13.3 "Bureau" Page

When information transcribed for FBI use only, such as data pertaining to a previously processed "Return" fingerprint card, i.e., the contributor of the fingerprint card, the subject's name, the date on the card, and reason fingerprinted, etc., is added to an identification record, it is placed on a special page called the "Bureau" page. At the bottom of this page in capital letters will be the notation "THIS PAGE SHOULD NOT BE DISSEMINATED OUTSIDE THE FBI." Persons forwarding copies of identification records to sources outside the FBI should be governed accordingly. Be aware that "Bureau" pages are not transmitted with III responses to on-line information requests made through NCIC.

EFFECTIVE: 12/10/91

14-14 CERTIFICATION OF IDENTIFICATION RECORDS AND FINGERPRINTS

Identification records will be certified by the Assistant Director or one of the Inspector-Deputy Assistant Directors of the Criminal Justice Information Services (CJIS) Division upon issuance of a court order requiring certification. Such records are typed with or without abbreviations, as long as consistent throughout document, and the certification is in accordance with Title 28, USC, Section 1733. Fingerprints also can be certified under the same citation. Requests for certifications should be limited to court cases or other special situations requiring the production of such a record. (See Correspondence Guide-FBIHQ, 1-2.1.)

EFFECTIVE: 03/10/94

14-15 FORMS FOR SUBMITTING, OBTAINING, AND VERIFYING IDENTIFICATION INFORMATION

EFFECTIVE: 12/10/91

14-15.1 Final Disposition Report (R-84)

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EFFECTIVE: 12/10/91

14-15.1.1 Use by Field Offices | (See Correspondence Guide-Field,
3-61.) |

(1) Reporting final dispositions of criminal cases in which fingerprint cards have been previously submitted and retained by the Criminal Justice Information Services (CJIS) Division.

(2) Serves as a follow-up to a specific arrest.

(3) Only one disposition form should be used to record the dispositions against any one individual.

(4) Only the original need be sent.

(5) Deleted

(6) One copy retained in field office file.

(7) In any case, where a field office takes credit on an FD-515 for the arrest or conviction of an FBI subject in connection with violations of a federal law, the Office of Origin of this case must ensure that the CJIS Division is advised of the final disposition or any amended disposition. This can be accomplished by forwarding a Final Disposition Form (R-84) to the CJIS Division. If the Office of Origin has determined that another field office or other criminal justice agency has already submitted the disposition to the CJIS Division, it is not necessary to forward the R-84. However, the Office of Origin must document in the investigative file the identity of the agency or auxiliary office which submitted the R-84, and similarly note such information in the "Remarks" section of the FD-515. (See MAOP, Part II, 3-5.4 & 4-6.)

EFFECTIVE: 07/19/95

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14-15.1.2 Use by Local and State Criminal Justice Agencies

Submitted in each case at whatever level - law enforcement, prosecutor, or court - upon receipt of final disposition.

EFFECTIVE: 03/23/92

14-15.1.3 Not Used

(1) If final disposition known at time fingerprints submitted to CJIS Division, then disposition data should be recorded on fingerprint card thus eliminating need for R-84.

(2) If subject not fingerprinted, there is no arrest record against which disposition data can be posted.

(3) If the fingerprint was returned by the CJIS Division as unclassifiable, etc., and the fingerprints were not resubmitted by the contributor.

(4) If reporting new arrest information, since such information must be furnished on a fingerprint card.

EFFECTIVE: 03/10/94

14-15.1.4 Data for Preparation of Form

(1) Contributor of fingerprints.

(2) Name and number under which fingerprints submitted to FBI, and State Identification number, if available.

(3) If the FBI arrested the arrestee, the form should reflect the field office file number. U.S. Marshal's number should be furnished in every instance in which the U.S. Marshal has fingerprinted a prisoner and assigned a number. If this number is not available in the FBI field office, it must be obtained from the U.S. Marshal's office.

(4) Date arrested or charged.

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(5) Original charge for which arrested or committed. If penal code citations are used, they should be supplemented with a brief explanation of the type of charges(s); i.e., ITSMV, burglary, etc.

(6) Final disposition and Date thereof:

(a) Include dispositions for all counts of the indictment(s)

(b) If sentence imposed relates to a charge other than the charge for which arrested, state this and also show how disposition relates to original charge.

(7) FBI number, if known.

(8) Sex

(9) Fingerprint classification, if available.

(10) Age or date of birth

(11) Submitting agency.

EFFECTIVE: 03/23/92

14-15.1.5 Return of Form to Contributor

(1) A disposition form should include sufficient information to allow the |CJIS|Division to handle it without referring to previous submissions. If the required information is not furnished, the disposition form is either returned to the contributor with reason(s) for the return indicated or it may be destroyed.

(2) The subject's arrest fingerprint card showing the offense quoted on the disposition form must be in the |CJIS|Division's Criminal File in order to post the disposition. If no fingerprints for the offense are on file in the |CJIS|Division's Criminal File, the disposition form will be appropriately disposed of.

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EFFECTIVE: 03/10/94

14-15.1.6 FD-10 in Lieu of Final Disposition Report (R-84)

FD-10 is used by FBI field office to request dispositions from a local criminal justice agency (if request is for New York City, send two copies of FD-10 to the New York Division of Criminal Justice Services, Executive Park Tower, Stuyvesant Plaza, Albany, New York 12203-3764, rather than the New York City Police Department). (See MIOG, Part II, 23-3.1(2).)

- (1) Place notation of request in investigative file.
- (2) Upon return of FD-10, note pertinent information in investigative file.
- (3) Forward to |CJIS| Division in lieu of R-84 if final disposition is set forth or its unavailability is so stated.
- (4) Office of origin has responsibility of sending FD-10 and advising auxiliary offices, if necessary, of any pertinent data obtained.
- (5) FBI number should always be shown when available.

EFFECTIVE: 03/10/94

14-15.1.7 Accountability for Dispositions

All missing dispositions on identification records received by the field must be accounted for. SAC may, at his/her discretion, authorize an exception in "nonfugitive-prosecutive" matters where FBI interests are best served by not making a dispositional inquiry; e.g., [REDACTED]

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14-15.2 Death Notice (R-88) (See MIOG, Part II, 14-10.6.)

This form, previously furnished to criminal justice agencies, was used to report the death of an individual whose fingerprints are on file in the CJIS Division. This form has been discontinued. Correspondence, including the R-88 form, containing a fingerprint impression(s) that the CJIS Division matches to a record, will not cause the identification record to be placed in the CJIS Division's Dead File unless the CJIS Division is positive that the incoming fingerprint(s) is an impression(s) taken from the body of the deceased person. Unconfirmed deceased information, i.e., not supported by a print(s) from the body, will be added to the record to show that the subject of the record was reported deceased on a particular date by a specific agency. The record will remain active and be subject to dissemination upon request. No cover letter is necessary when the R-88 form is used; however, its continued use is discouraged. Submission of the individual's fingerprints taken from the body of the deceased on the arrest fingerprint card (Form FD-249) is the best method of advising the CJIS Division of the death of an individual with a criminal record.

EFFECTIVE: 03/10/94

14-15.3 Deleted

EFFECTIVE: 03/23/92

14-15.4 Fugitive Airtel (FD-65) (See MIOG, Part II, 21-4; MAOP, Part II, 7-2.1.)

Submitted when subject becomes an FBI fugitive. This form provides FBIHQ, Criminal Investigative Division, with notification of subject's fugitive status. This form also provides the Savannah Information Technology Center (SITC) with notification of the fugitive's status and provides it with the basic background to conduct appropriate record checks available through the SITC. The SITC will provide the Office of Origin with additional background information, if available, resulting from these record checks. The Office of Origin uses this form to enter the fugitive warrant into the National Crime Information Center (NCIC) Wanted Person File; this results in

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the automatic entry of the warrant information into the subject's automated criminal identification record and/or name indices file if such a record exists. If no fingerprint file exists on the subject, then a notice is placed in the CJIS Division's automated name indices file only.

EFFECTIVE: 10/11/94.

14-15.4.1 Data for Preparation of Form

(1) Title appearing on form should contain the names of all fugitives involved in the case in accordance with MAOP, Part II, Section 10-16.7 through 10-16.7.2.

(2) The original, marked for the attention of the Criminal Investigative Division, should be sent immediately after fugitive process is obtained.

(3) Deleted

(4) Do not delay the submission of the form to obtain additional descriptive information not readily available.

EFFECTIVE: 03/23/92

14-15.4.2 Data for Supplemental Submission

(1) Pertinent additional descriptive information obtained subsequent to initial submission.

(2) Mark appropriate block on form.

(3) Refer to date of initial submission.

(4) If the information previously furnished is no longer accurate, insert either the new information or the word "delete" in the appropriate spaces on the form.

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EFFECTIVE: 03/23/92

14-15.4.3 No Initial Submission

An initial fugitive airtel is not necessary in cases involving parole or mandatory release violators or deserters. However, a supplemental form should be submitted to show any changes, additions, or deletions to identifying data furnished in correspondence from FBIHQ initiating the investigation.

EFFECTIVE: 04/19/91

14-15.4.4 No Supplemental Submission

It is not necessary to submit a supplemental form when the subject's FBI number and fingerprint classification are furnished by FBIHQ. However, these items should be modified in the subject's NCIC Wanted Person File entry when a positive identification is indicated via Form 1-374.

EFFECTIVE: 04/19/91

14-15.4.5 Results of Submission

(1) When NCIC provides the CJIS Division with the warrant information which has been entered into the Wanted Person File, the wanted notice on any Federal fugitive is routinely placed in the CJIS Division criminal record or in the automated name indices if no record exists.

(2) Arrest and disposition data should be promptly forwarded to the CJIS Division in all fugitive matters. Any photographs of the fugitive should not be furnished to the CJIS Division but should be retained in the field office files.

(a) Six months after an individual is declared a fugitive, the office of origin must review its files to determine desirability of requesting background data from the CJIS Division. SAC must personally approve each such request. If it is believed that background information in a subject's identification record might

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cause prompt apprehension, request may be made at any time provided SAC personally approves same.

(b) Background data furnished from subject's identification record is forwarded by Form 1-374, the pertinent portion of which should be included in the next investigative report. Descriptive data furnished by CJIS Division may be duplicated for inclusion in investigative report. These instructions do not alter the policy of quoting complete identification record of all subjects in an investigative report. (See MAOP, Part II, 10-17.11.1.)

EFFECTIVE: 03/10/94

14-15.5 FBI Field Office Wanted-Flash-Cancellation Notice (FD-165)

EFFECTIVE: 04/19/91

14-15.5.1 Submitted for the Placing of Flash Notice in Criminal Justice Information Services (CJIS) Division when:

(1) Federal arrest warrant has not been issued.

(2) Background Investigation - Pardon Attorney's Office investigation is being conducted. (See MIOG, Part I, 73-8.3; Part II, 14-15.5.3.)

(3) Arrestee is in the Pretrial Diversion Program. (See MIOG, Part II, 14-15.5.3.)

EFFECTIVE: 11/18/96

14-15.5.2 Submitted for the Cancellation of Flash Notice when:

Need no longer exists in matters referred to in (1) above. Submit promptly.

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EFFECTIVE: 04/19/91

14-15.5.3 Not Submitted for Cancellation when:

(1) Involves matter referred to in 14-15.5.1 (2) above.
Such flashes are automatically removed by FBIHQ upon notification from
Pardon Attorney or after five years, whichever occurs first. (See
MIOG, Part I, 73-8.3.)

(2) Involves matter referred to in 14-15.5.1 (3) above.

For instructions regarding removal of flashes in these instances, see
14-16.7(2).

(3) Fugitive airtel (FD-65) has been submitted to FBIHQ,
since FD-65 automatically takes precedence over any prior flash
notices.

EFFECTIVE: 11/18/96

14-15.5.4 Preparation of Form for Placing Flash Notice

(1) Make duplicate of original for field office file.

(2) No yellows necessary.

(3) Indicate on form if fingerprint classification of
subject desired.

EFFECTIVE: 03/23/92

14-15.5.5 Preparation of Form for Cancelling Flash Notice

(1) No field office file copy necessary.

(2) Stenographer should mark field office file copy of
original submitted form to show date cancellation notice submitted and
initial and date this notation.

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EFFECTIVE: 03/23/92

14-15.6 Criminal Justice Agency Wanted-Flash-Cancellation Notice
(I-12)

This form is available to all local, state, and Federal
criminal justice agencies. It is not to be used by FBI field offices.

EFFECTIVE: 05/14/93

14-15.6.1 Use of Form

(1) Alleviates necessity of preparing a letter to the
CJIS Division.

(2) Same form is used to place or cancel a wanted or
flash notice.

(3) Deleted

(4) A flash notice will only be placed when fingerprints
supporting flash offense are on file in CJIS Division or submitted
with the I-12. FBI number must be quoted on the I-12 if prints not
being submitted with the I-12.

(5) Deleted

(6) Deleted

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14-15.6.2 Preparation of Form

The form should be completely filled in so that the identification record for the subject can be located. FBI number should be given if known. If not known, fingerprints should be submitted.

EFFECTIVE: 03/23/92

14-15.7 Deleted

EFFECTIVE: 07/19/95

14-16 ACKNOWLEDGMENT OF FINGERPRINTS BY CRIMINAL JUSTICE
INFORMATION SERVICES (CJIS) DIVISION

EFFECTIVE: 03/10/94

14-16.1 If Submitted Fingerprints are Identical with a Prior
Record (an "Ident")

When a search through the identification files discloses prior record, the fingerprint currently received is acknowledged by an FBI identification record which sets forth in detail the fingerprint record available on the individual and furnishes an FBI number which should be quoted in all subsequent communications. Copies desired for other agencies should be indicated by the contributor on the fingerprint card and not in a cover letter. Requests for additional copies should be kept to a minimum.

EFFECTIVE: 12/10/91

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14-16.2 If Submitted Fingerprints are not Identical with a Prior Record (a "Nonident")

When a search fails to reveal prior arrest data, an 8 1/2- x 11-inch nonident response which reads, "A search of the fingerprints on the above has failed to disclose prior arrest data" is furnished to the contributor of the fingerprint card. Copies of this response are forwarded to the agencies which will subsequently assume custody of the individual and to the FBI field office when requests for such copies are noted on the fingerprint card by the contributor. Copies will also be furnished to the State Bureaus, except when acknowledging fingerprints from a Federal agency. Beginning in February, 1983, State Bureaus participating in the Interstate Identification Index program began receiving nonident responses on-line via the NCIC network.

EFFECTIVE: 12/10/91

14-16.3 Fingerprints Submitted Involving Nonserious Offenses

All criminal fingerprint cards showing only nonserious charges are returned to the contributor without being searched through the CJIS Division files. However, when a fingerprint card bearing such data in the "charge" block is submitted to resolve a question of identity or for a current investigative purpose, it is searched through the files of the CJIS Division and both it and the results of the search are returned to the contributor. An agency which requested a flash or wanted notice and the contributor of the current fingerprints are notified if a match is made. Fingerprint cards returned to a contributor are not made a part of the FBI identification record.

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14-16.3.1 Examples of Nonserious Offense Return Fingerprint Cards
(not all inclusive)

(1) Juvenile offenders as defined by state law (unless
tried as an adult).

(2) Charge of drunkenness and/or vagrancy.

(3) Certain public order offenses.

(a) Disturbing the peace.

(b) Curfew violation.

(c) Traffic (except arrest for manslaughter, driving
under the influence of drugs or alcohol, and hit and run).

(4) Charges of "suspicion" or "investigation"
(unaccompanied by criterion charge).

EFFECTIVE: 12/10/91

| 14-16.4 | Deleted |

EFFECTIVE: 03/23/92

14-16.5 Fingerprints Submitted by Local, State, and Federal
Criminal Justice Agencies

EFFECTIVE: 03/23/92

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14-16.5.1 Multiple Submissions

Agents in daily contact with local, state and Federal criminal justice agencies should be alert to detect instances of multiple fingerprinting of the same individual by two or more agencies on the same or a related offense. This causes unnecessary work by the |CJIS|Division and could be eliminated by a notation on the reverse side of the fingerprint card requesting additional copies of record(s) for agencies which might otherwise fingerprint the individual for the offense.

EFFECTIVE: 03/10/94

14-16.5.2 Unacceptable Submissions which Request that Copy of Record Be Mailed to FBI Field Office

(1) When fingerprints bearing the notation "Send copy to FBI office" are received from a local, state, or Federal criminal justice official and these fingerprints are not acceptable for |CJIS|Division files, a copy of a form letter returning the prints to the contributor will be designated for the field office indicated on the fingerprint card. Stamped on the field office copy of this form letter is the following statement: "If this individual is subject of Bureau case, you should follow to ensure that acceptable fingerprints are submitted to FBIHQ. If prints cannot be obtained, advise FBIHQ by letter giving reason."

(2) There will be occasions when new prints are not readily obtainable because subject is no longer in custody, charges have been dismissed, or it would not be feasible to insist on fingerprints. This information and your recommendations should be forwarded to FBIHQ in a UACB letter.

(3) When dealing with local, state, or Federal criminal justice agencies, remember that if an acceptable set of fingerprints had been received, the reply would have been mailed in the form of an identification record with copies to the appropriate field offices if the subject had prior criminal prints on file. If the |CJIS|Division had no prior criminal history record for the subject, the reply would have been in the form of a "nonident" response.

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EFFECTIVE: 03/10/94

14-16.6 Mail and Wire Service

EFFECTIVE: 11/21/89

14-16.6.1 First-Class Mail

All written acknowledgments to requests received in the
||CJIS|Division are sent by first-class mail. In addition to this
standard procedure, answers forwarded in excess of 350 miles are
transported by air. If requested by submitting agency, the
acknowledgment is sent by registered mail.

EFFECTIVE: 03/10/94

14-16.6.2 Wires on Wanted

Wires are sent via the National Law Enforcement
Telecommunications System, Inc. (NLETS) when NCIC agency identifiers
(ORIs) are available; otherwise, wires are sent collect.

EFFECTIVE: 11/21/89

14-16.6.3 Special Handling

A notation on the reverse side of the fingerprint card in
the space provided to indicate "special handling" is sufficient and no
cover letter is necessary.

EFFECTIVE: 11/21/89

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14-16.6.4 Not Automatically Forwarded

Current copies of arrest records are not forwarded automatically to agencies which had previously submitted fingerprint cards unless agency has posted a wanted or flash notice against the record.

EFFECTIVE: 11/21/89

14-16.7 Fingerprint Submitted Involving Pretrial Diversion
Program (PDP)

(1) In the event the fingerprint card precedes the FD-165, the PDP offense should be indicated on the form. The U.S. Attorney determines the eligibility of an offender for the PDP, and then refers the case to the Chief Pretrial Services Officer. In cases not under FBI investigative jurisdiction, the PDP Coordinator submits the divertee's fingerprints to the FBI CJIS Division on the criminal fingerprint card (Form FD-249), together with an I-12 Flash Notice indicating diversion, the expiration date of the diversion period, and a request that the Pretrial Services be notified if an arrest occurs during the supervised diversion period. The charge should be indicated in the "Charge" block of the fingerprint card and "Pretrial Diversion" in the "Disposition" block. Upon completion of the diversion period, the Chief Pretrial Services Officer will submit a Final Disposition Report (R-84) to the CJIS Division. This information will be added to the divertee's identification record to indicate "Successful Completion - Charges Dropped."

(2) In a diversion case under the FBI's investigative jurisdiction, the Office of Origin must ensure that the subject's fingerprint card (FD-249) is submitted to the CJIS Division, together with an FD-165 Flash Notice indicating the diversion and the expiration date of the diversion period, and requesting that the FBI field office be notified if an arrest occurs during the supervised diversion period. The "Charge" should be indicated in the charge block of the fingerprint card and "Pretrial Diversion" in the disposition block. The Office of Origin must also ensure that the CJIS Division is advised by FD-165 to cancel the flash if the diversion period is terminated at any time prior to its expiration. Upon completion of the diversion period, the Office of Origin must ensure that a Final Disposition Report (R-84) is submitted to the CJIS Division. This information will be added to the divertee's identification record to indicate "Successful Completion -

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Charges Dropped." (See MIOG, Part II, 14-15.5.3(2).)

(3) The CJIS Division will retain the PDP information and disseminate this information to all authorized recipients of the record for the period of the diversion and for three years after the successful completion of the diversion period. If the PDP is revoked, proper notification should be submitted to CJIS Division via Form R-84 indicating the PDP has been revoked and the date of revocation. If no information is received by the CJIS Division indicating the divertee failed to successfully complete the diversion period, the CJIS Division will handle the record as if the diversion period was successfully completed. After the three-year period, there will be no further dissemination of the information pertaining to the Pretrial Diversion. Once the three years have expired after the successful completion of the diversion program, any fingerprint cards regarding the diversion will be expunged from the CJIS Division file and destroyed. If an additional arrest fingerprint card is received by the CJIS Division within the period of diversion or the three years following the diversion period, the Pretrial Diversion record will not be expunged and will be retained indefinitely.

(4) Fingerprint card submissions involving PDP CHILD PORNOGRAPHY CASES are permanently retained by the CJIS Division. The record of the Pretrial Divertee's involvement with CHILD PORNOGRAPHY will not be expunged and is subject to dissemination regardless of whether the Pretrial Divertee successfully completed the Pretrial Diversion Period. In each case this is based upon a Pretrial Diversion agreement between the divertee and the U.S. Attorney's Office which provides that the FBI may maintain a permanent record of the fingerprint card and of the divertee's involvement in the PDP as a result of the CHILD PORNOGRAPHY CASE.

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14-16.8 Fingerprints Submitted Involving Federal Youth Corrections Act

(1) With the enactment of the Sentencing Reform Act of 1984 (a part of the Comprehensive Crime Control Act of 1984, Public Law 98-473 which was signed into law on October 12, 1984), the Federal Youth Corrections Act was repealed. The Department of Justice has taken the position that the repeal of the Act is applicable only to offenses committed after the date of enactment. Although the Act may still be applied to crimes committed prior to October 24, 1984, if Judges so choose, Government attorneys should argue in individual cases that Judges should not exercise their discretion to impose sentence under the Act.

(2) When an individual has been sentenced under the provisions of the Federal Youth Corrections Act, the United States Parole Commission (USPC) is authorized to grant an "unconditional discharge" before the expiration of the maximum sentence imposed (Title 18, USC, Section 5021). In such case, the USPC automatically sets aside the conviction and issues the youthful offender a "Certificate Setting Aside Conviction."

(3) Upon receipt of a copy of the certificate setting aside the conviction, the FBI|CJIS|Division, with concurrence of the United States Department of Justice, returns the corresponding fingerprint card(s) to the original contributor(s) if the FBI identification record has not been automated. If the FBI identification record is an automated record, the corresponding fingerprint card(s) is removed from|CJIS|Division's Criminal File and destroyed. The return/destruction of the fingerprint card(s) results in the complete expunction of the arrest and conviction data from FBI|CJIS|Division's Criminal File.

EFFECTIVE: 03/10/94

14-17 EXPUNGEMENT OF FINGERPRINTS BY THE|CRIMINAL JUSTICE
INFORMATION SERVICES (CJIS)|DIVISION

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EFFECTIVE: 03/10/94

14-17.1 Fingerprints Submitted by Federal Criminal Justice
Agencies

The U.S. Department of Justice has advised that arrest fingerprints taken by a Federal agency or by a non-Federal agency at the request of a Federal agency are official U.S. Government records. As such, they cannot be destroyed, except upon the issuance of a Federal court order. USAs have been instructed to vigorously oppose motions to expunge Federal criminal history records unless the USA is convinced that the interests of justice require that a record be expunged. For example, expunction may be appropriate when an arrest is based upon a case of mistaken identity. Complete instructions pertaining to requests for expunctions (fingerprints and photographs) relating to Federal cases are found in Department of Justice Memorandum Number 765 to All United States Attorneys, dated March 6, 1972, captioned "Motion for discovery, or expungement of, arrest records held by FBI."

EFFECTIVE: 11/21/89

14-17.2 Fingerprints Submitted by Local and State Criminal Justice
Agencies

(1) The FBI|CJIS|Division is the central repository for fingerprint cards submitted by local or state criminal justice agencies. Therefore, a request from the submitting agency to delete arrest data from an FBI identification record will be complied with. The corresponding fingerprint card(s) results in the complete expunction of the arrest data from the Criminal File.

(2) The|CJIS|Division limits notifications regarding expungements to the agency which contributed the arrest data being deleted and the state identification bureau servicing that agency. An exception to this general rule is made when a court order directing the expungement/sealing of an arrest specifically states that all prior recipients of the identification record are to be notified of the deletion and/or furnished with a current identification record.

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EFFECTIVE: 03/10/94

14-18 FINGERPRINT CLASSIFICATION FORMULA

EFFECTIVE: 11/21/89

14-18.1 Henry Classification

EFFECTIVE: 11/21/89

14-18.1.1 Submission Accompanying Request for Record

Supplementing request for identification records with the fingerprint classification formula assists in making a search, particularly in the case of common names. In quoting fingerprint classifications in requests, care should be exercised not to confuse letters with numerals or small letters with capital letters.

EFFECTIVE: 11/21/89

14-18.1.2 Examples

(1) Small letters and capital letters.

6 1aUta 10
1 Tr

(2) Letters and numerals.

8 0 5 U IOI 16
I 19 W MII

IOI

The portion of the classification MII would read as inner, outer, inner, over meeting, inner, inner. The booklet, "The Science of Fingerprints," should be consulted for assistance in this matter.

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EFFECTIVE: 11/21/89

14-18.2 NCIC Classification

EFFECTIVE: 05/25/90

14-18.2.1 Derivation

NCIC fingerprint classification is derived from description of each fingerprint beginning with right thumb, which is #1 and continuing through finger #10, with left thumb being #6. Two characters are used in describing each pattern. The designation of the arch is AA; the tented arch is TT. The ulnar loop is described by using the actual ridge count. For example, the number 08 and 15 represent ulnar loops with eight and fifteen ridge counts, respectively. Radial loops are described with their actual ridge count plus fifty. For example, 62 would refer to a 12 count radial loop. Whorls are designated by type and tracing with the first character indicating type, and the second the tracing, i.e., P for plain whorl; C for central pocket loop; D for double loop and X for accidental type whorl; I for inner; M for meeting; and O for outer tracings. For example, a double loop whorl with inner tracing would be designated by the letter DI. Missing fingers are indicated by the characters XX and mutilated or completely scarred patterns are indicated by the letters SR.

EFFECTIVE: 05/25/90

14-18.2.2 Example

The following is an example of NCIC fingerprint classification when #1 is an ulnar loop, 7 count; #2, radial loop, 16 count; #3, plain arch; #4, tented arch; #5, plain whorl, inner tracing; #6, double loop whorl, meeting tracing; #7, central pocket loop whorl, outer tracing; #8, accidental whorl with meeting tracing; #9, finger is missing; and #10, pattern mutilated and/or completely scarred:

07 66 AA TT PI DM CO XM XX SR

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EFFECTIVE: 05/25/90

14-19 | CRIMINAL JUSTICE INFORMATION SERVICES (CJIS) | DIVISION'S
AUTOMATED SERVICES SYSTEMS

The | CJIS | Division's automated services computerized system has, in part, replaced the traditional manual fingerprint card processing functions within the | CJIS | Division.

EFFECTIVE: 03/10/94

14-19.1 Three-Phase Plan

EFFECTIVE: 05/25/90

14-19.1.1 Phase I

This phase of automation was implemented in August, 1973. It provided for the computerization of the names, physical descriptors, and arrest data appearing on the incoming fingerprint cards of first-time offenders, and for the computer generation of "No Record" responses to the contributors of the cards. Once the records were entered into automated files, they could be updated with subsequent arrest and disposition data, and computer-printed rap sheets could be generated in response to requests for such records.

EFFECTIVE: 09/25/91

14-19.1.2 Phase II

This phase became operational in October, 1979. It provided expanded Phase I capabilities, as well as automated name searching of the computerized arrest record file.

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EFFECTIVE: 09/25/91

14-19.1.3 Phase III

This phase became operational in June, 1989. It provides greatly enhanced Phase I and Phase II capabilities, as well as the ability to perform automated on-line name and fingerprint searches. This system permits a much shorter processing time.

EFFECTIVE: 09/25/91

14-19.2 Automatic Fingerprint Reader System (AFRS)

An automatic fingerprint reader system (AFRS) is a computerized system which will electronically scan and read a fingerprint, enhance its ridge structure, and detect and record, in digital form, the characteristic minutiae data in a processing time of less than one second per fingerprint. The prototype of this system was called FINDER (contraction of FINGERprint reader). However, this name is a proprietary term belonging to the company that developed FINDER, and is no longer used by the FBI except as a historical reference. There are five production model AFRSs in the

|CJIS|Division. These systems were used to convert the massive file of master criminal fingerprint cards of all criminal subjects having 10 fingerprint impressions who were born on or after 1/1/29. Current incoming fingerprint cards of all individuals are read by the AFRSs if an ident is not made against the Automated Name Search and, using other specialized computers developed to perform high-speed matching, are searched against the master criminal fingerprint card digital file at computer rates of speed.

EFFECTIVE: 03/10/94

14-20 INTERNATIONAL EXCHANGE OF FINGERPRINTS

EFFECTIVE: 09/25/91

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14-20.1 History

The international exchange of fingerprints and related identification data was inaugurated in 1932.

EFFECTIVE: 09/25/91

| 14-20.2 Submission Requirements | (See MIOG, Part II, 14-20.3.) |

(1) Individual's fingerprints must be submitted to the
| Criminal Justice Information Services (CJIS) | Division in duplicate.

(a) One copy is searched, acknowledged, and retained
| in the files of the | CJIS | Division.

(b) Other copy and available criminal history
information are transmitted to the country of birth for storage in its
files.

(2) Fingerprints must be legible to be referred to
foreign bureaus.

(3) Exact date and place of birth.

(4) Last known foreign address.

(5) Names of parents.

(6) Mother's maiden name.

(7) Names and addresses of any relatives residing in the
country concerned.

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14-20.3 Necessity for Personal Data

(1) Except in United States and British possessions, the personal data outlined above (3) through (7) are necessary to ensure a thorough search.

(2) Foreign inquiries unsupported by fingerprints will be handled.

EFFECTIVE: 12/20/82

14-20.4 Acknowledgment of Foreign Search

(1) Foreign search information received by the [CJIS] Division is transmitted to the original contributor of the prints for any action deemed advisable.

(2) Follow-ups are maintained in all instances until cases are completed.

EFFECTIVE: 03/10/94

14-21 SURVEYS OF FINGERPRINT BUREAUS

The [Criminal Justice Information Services (CJIS)] Division will conduct surveys and assist in the establishment of a fingerprint identification bureau in a local criminal justice agency. It is desired that the SAC advise FBIHQ, Attention: [CJIS] Division, concerning the request for survey or establishment of a fingerprint bureau in a local agency. Any additional facts concerning a local agency's needs for survey or whether it can be performed by an Agent in the office should also be submitted. FBIHQ will determine whether it should be performed by an Agent in the field office or by one of the [CJIS] Division's technical experts.

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14-22 FBI LITERATURE CONCERNING CRIMINAL JUSTICE INFORMATION
SERVICES (CJIS) DIVISION WORK AND FUNCTIONS

EFFECTIVE: 03/10/94

14-22.1 "The Science of Fingerprints"

This booklet is not available for general distribution to criminal justice agencies; however, it is available to the field for distribution, free of charge, to class members in basic fingerprint schools handled by FBI personnel if the student does not already possess a copy. Requests by criminal justice agencies for more than one copy will not be processed by the FBI. To obtain multiple copies of this booklet, a criminal justice agency should address a letter to the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, and enclose the necessary remittance.

EFFECTIVE: 12/20/82

14-22.2 Other Literature

FBIHQ has available for distribution to criminal justice agencies literature concerning all phases of identification matters, latent prints, and the Latent Fingerprint Section. These pamphlets are reprints of articles which have appeared in the FBI Law Enforcement Bulletin.

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14-23 SUMMARY OF THE SERVICES OF THE CRIMINAL JUSTICE
INFORMATION SERVICES (CJIS) DIVISION

(1) Will process criminal, law enforcement/criminal justice, applicant and personal identification cards. Applicant cards for other than law enforcement/criminal justice agencies, will be processed for a fee. (Refer also to 14-4.1.1 and 14-5.1.)

(2) Deleted

(3) Will place wanted notices, flash notices and missing person notices in the CJIS Division, Automated Services System.

(4) Deleted

(5) Deleted

(6) Deleted

(7) Deleted

(8) Will handle fingerprint cards for international exchange.

(9) Deleted

(10) Deleted

EFFECTIVE: 08/18/94

14-24 FBIHQ SUPERVISION

EFFECTIVE: 11/21/89

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14-24.1 Request for Information

- (1) During workday (8 a.m. to 4:30 p.m.) call extension [REDACTED]
- (2) During nonworkday and on workday before 8 a.m. and after 4:30 p.m., call extension [REDACTED]
- (3) Direct written request to office of Inspector-Deputy Assistant Director (Operations), Room 11262, JEH Building.

ba

EFFECTIVE: 03/23/92

14-24.2 Request for Fingerprint Cards and Jackets

Due to their voluminous number and the necessity to have them immediately available, fingerprint cards and jackets are not sent outside the CJIS Division, except to the Investigative Operations and Support Section of the Laboratory Division and the Violent Crimes/Fugitive Unit of the Criminal Investigative Division. Personnel from these work areas are to obtain and handle them as follows:

- (1) If FBI number not known, call extension [REDACTED] or direct written request to Room 11262, JEH Building.
- (2) If FBI number is known, call [REDACTED] to obtain jacket.
- (3) Cards or jackets will have attached 7- by 8-inch pink card (Form 1-210) containing instructions regarding handling and transfer. This form also serves as a routing slip to return card or jacket to the CJIS Division, and should not be removed.
- (4) To transfer individual criminal fingerprint card, call extension [REDACTED]
- (5) To transfer individual civil fingerprint card, call [REDACTED]
- (6) To transfer a fingerprint jacket, call [REDACTED]

The above transfers are necessary even though the card or jacket is

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being forwarded to an individual or section in the CJIS Division for handling prior to being filed. Cards and jackets shall not be held more than one week; however, if necessary to retain longer, recharge by telephoning above-referred-to numbers. Cards and jackets are to be returned to the CJIS Division in a routing envelope.

Microfilming of fingerprint cards is being done to save space within the CJIS Division. If a requested jacket or fingerprint card is on microfilm, a copy of the microfilmed record or fingerprint card will be made and sent in answer to the request. Microfilmed jackets are complete copies of the original hardcopy jackets. Microfilmed fingerprint cards are complete copies of the original fingerprint card. Copies of microfilmed jackets or fingerprint cards do not have to be returned. They may be disposed of (e.g., destroyed) in a secure manner.

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SECTION 15. LATENT FINGERPRINT IDENTIFICATION

15-1 DUTIES OF LATENT FINGERPRINT SECTION | (See MIOG, Part I, 7-14.9(1)(b), 7-14.11(8), 9-7(3), Section 32, 91-17.3(1), 91-18, 145-2(3), 192-16.1(1), 192-16.3(1), Part II, 13-6.4.5 & 13-17.) |

All work pertaining to the development and comparison of latent prints, the comparison of infant footprints, automated latent fingerprint searching, the National Unidentified Latent File, and the examination of fingers and hands of deceased individuals, is handled in the Latent Fingerprint Section. Senior fingerprint specialists of the Section form the nucleus of the FBI Disaster Squad which assists in the identification of victims of major disasters. The Section handles all court testimony needed in regard to fingerprint examinations and also conducts training classes regarding fingerprint matters.

EFFECTIVE: 09/24/93

15-2 FILES

EFFECTIVE: 11/21/89

15-2.1 Automated Searching of Latent Fingerprints (See MIOG, Part I, | 91-18.1, 145-2(3), 192-16.2.) |

(1) | Automated Fingerprint Identification System (AFIS) technology has provided the Latent Fingerprint Section (LFPS) the capability to conduct computer-based latent fingerprint searches against the FBI database of 28 million criminals' 10-print fingerprints. This process is known as ALFS (Automated Latent Fingerprint Search), which was previously referred to as ALSA3. The Criminal Justice Information Services Division (CJIS) maintains the automated criminal 10-print fingerprint database, which is now called Identification Automated Searches. |

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(2) |The ALFS provides a means to solve crimes by searching unidentified latent fingerprints against the known fingerprint records of criminals. This capability is intended to be a last effort to solve a crime from a fingerprint standpoint. The traditional practice of naming suspects/subjects from the investigative process, along with the acquisition of elimination fingerprints from victims and others, is expected to continue. It is not necessary to specifically request an ALFS search as each case submitted for latent fingerprint examination is evaluated by the LFPS to determine if it meets the criteria for initiating a search. However, if it is known at the time of submitting the case that there are no suspects developed and the only purpose of submitting the case is for an ALFS search, then the request should be specifically stated. |

(3) |When requesting an ALFS search, it should be understood that not all latent fingerprints are suitable for this type of search. Although the latent fingerprints may be of value for identification purposes by a fingerprint specialist, it may not be sufficient for the computer-based search. The ALFS search relies on the ability of the fingerprint specialist to determine an approximate fingerprint classification and finger position of the latent fingerprint and the availability of a physical description of the suspect(s).

(4) To better facilitate the ALFS search, submit all physically descriptive information known about the suspect(s). The physical descriptors which can be utilized in an ALFS search include sex, race, age range, height range, weight range, eye color, hair color, place of birth (state or country), and scars, marks and tattoos (the location on the body). All these physical descriptors are not necessary to conduct an ALFS search, but as much of this information as known should be included in your correspondence.

(5) ALFS searches may also be restricted to specific geographic areas (on state or country level) and any crime-type category.

(6) Before the LFPS fingerprint specialist determines that an ALFS search can be performed, it may be necessary to contact the requesting office for further clarification or additional information to more efficiently use this capability.

(7) The ALSM (Automated Latent System Model) capability has been discontinued and is no longer available. ALSM was strictly a model and plans are being made to provide a similar yet more robust

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capability within the future Integrated Automated Fingerprint
Identification System (IAFIS).

EFFECTIVE: 07/21/95

15-2.2 National Unidentified Latent File

This file consists of classifiable latent fingerprints developed and remaining unidentified in certain types of Bureau cases having an unknown subject. Categories in this file consist of Bank Robbery, Bank Burglary, Bank Larceny, Bank Matters-Devices, Interstate Transportation of Stolen Property-Checks, Major Theft (ITSP), Theft From Interstate Shipment, Police Killings, Airline Threats, Interstate Transportation of Obscene Material, Interstate Transportation of Stolen Motor Vehicle, Kidnaping, Sabotage, Espionage, Explosives, Extortion, Hobbs Act and Terrorism. The inked fingerprints or major case prints of subjects received in the Latent Fingerprint Section in connection with these violations are compared with the latent prints in the specific type of violation. For example, the fingerprints or major case prints of subjects submitted in a current bank robbery case are compared with the latent prints remaining unidentified in the bank robbery section of the National Unidentified Latent File. (See MIOG, Part I, 91-9(1) and 91-18.2.)

EFFECTIVE: 05/14/93

15-3 LATENT PRINT EXAMINATIONS

EFFECTIVE: 11/21/89

15-3.1 Examination of Evidentiary Materials - Bureau Cases, State and/or Local Facilities

EFFECTIVE: 11/21/89

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15-3.1.1 Utilize Technical Expertise of FBI's Latent Fingerprint
Section

Materials of evidentiary value located at crime scenes, or otherwise obtained during our investigative activities, offer invaluable potential for investigative information and probative results. The laboratory facilities in the Latent Fingerprint Section and technical expertise of FBI latent fingerprint personnel are recognized as the finest in the world. These technical fingerprint experts are devoted 100 percent to the science of latent print technology. Also, the file data base of persons represented in the fingerprint files of the FBI/Criminal Justice Information Services/Division is far greater than that available to state and/or local authorities. For these reasons the technical superiority of the Latent Fingerprint Section should be utilized in Bureau cases requiring latent print examinations.

EFFECTIVE: 04/01/96

15-3.1.2 Joint Jurisdiction

Instances may arise in matters of joint jurisdiction where state and local crime laboratories handle materials obtained by local criminal justice agencies prior to our involvement, or have custody of items located during their investigations of concurrent violations. Such situations call for the exercise of diplomacy and good judgment to avoid creating the impression that the FBI lacks respect for the investigative, technical or scientific competence of local authorities. However, the laboratory facilities in the Latent Fingerprint Section and technical expertise of FBI latent fingerprint personnel are recognized as the finest in the world and should be utilized if at all possible. It should be borne in mind that the Latent Fingerprint Section utilizes laser and other light sources for the detection of latent prints, and this should be taken into consideration, inasmuch as local authorities may not have access to these light sources. In matters of joint Federal/local jurisdiction, we must be positive to ensure that in the event of Federal prosecution, the U.S. Attorney may be certain that the more stringent Federal safeguards for the handling of evidence have been followed. Processing by the Latent Fingerprint Section will offer this guarantee.

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EFFECTIVE: 05/14/93

15-3.1.3 Conditions to Be Met for Use of State or Local Facilities

When circumstances and good judgment dictate that consideration be given to utilizing state or local fingerprint technicians and/or crime laboratory personnel in Bureau cases, the following conditions must be met before your decision is made:

(1) The SAC must be fully aware of the facts of the case and the nature of the examination(s) to be conducted. Inasmuch as the Latent Fingerprint Section utilizes a laser and other light sources as the initial process in the detection of latent prints, consider whether this technique is available at the local or state level.

(2) Extenuating circumstances must exist which justify SAC approval of the utilization of state/local facilities and personnel.

(3) As soon as time permits, the FBI Laboratory Division should be contacted to assure that all necessary examinations are being performed. Bear in mind, that concurrent violations frequently require different elements of proof. State and local facilities must therefore be alerted to the nature of Bureau requirements so that nothing will be done to the evidentiary material that will destroy its usefulness from our standpoint. They should also be made aware of our willingness to consult with them on scientific and technical aspects of their examinations as well as provide additional examinations that may not be possible locally.

(4) In each case where local examinations are conducted, a copy of the report of same should be furnished the FBI Laboratory Division when such becomes available.

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15-3.1.4 Negative Aspects of Preliminary Local Analyses

Under no circumstances should "curbstone" opinions be sought of local scientific or technical personnel to assess the potential value of evidentiary materials prior to submitting these items to FBIHQ for examination. Any preliminary local analyses could cause alteration and/or contamination of these materials and a possible conflict of opinion due to variation in testing procedures. This could severely hamper the effectiveness of our efforts, as well as possible unduly complicate the "chain of custody."

EFFECTIVE: 08/17/84

15-3.2 Searching for Latent Prints

The search for latent prints should be conducted in a systematic, intelligent manner. Articles bearing or suspected of bearing impressions must be handled with care as most impressions are extremely susceptible to injury. The slightest contact with another surface will usually be sufficient to destroy them; consequently, it is not an adequate safeguard if the person handling such articles merely protects his/her hands with gloves. By doing so, he/she may prevent impressions of his/her own hands being left, but even his/her gloved hands must not come in contact with a surface which might bear impressions. |Avoid handling articles when wearing thin skintight rubber-type gloves since it is possible that latent impressions can be left due to the thinness and tightness of the gloves. | If an article must be handled, it should be done in such a way that the hands whether bare or protected, do not touch a receptive surface. Should that be impossible, the part of the article which it is desired to handle should first be examined for visible and latent impressions. The light from a flashlight or the lights of a fingerprint camera are sometimes helpful in locating latent prints as the light reflected at an angle often shows the presence of latent prints. Latents should be searched for in the following circumstances:

(1) Surfaces and articles which might have been handled by the criminal at the scene of the crime. |Circumstances may warrant examining certain areas of a victim's body for latent prints left on the skin. |

(2) Property recovered in any circumstance if it is believed to be the proceeds of theft.

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(3) Vehicles, weapons, tools, and other articles which may have been used in the commission of a crime even though they are recovered at a distance from the crime.

When impressions have been caused by a substance which contrasts in color with the surface on which they are made, they will usually be visible, though they may not be conspicuous. Such impressions would result from a dirty, oily or bloody hand coming in contact with a relatively clean surface. If the impressions have been made in plastic substances, such as wax, clay, etc., they will, of course, be visible.

EFFECTIVE: 08/17/84

15-3.3 Development of Latent Impressions (See MIOG, Part II, 15-4.1.)

(1) All evidence that is not too bulky or valuable to be shipped should be submitted to the Latent Fingerprint Section, Laboratory Division, for latent print examination. Examination with the laser is the initial process used for detecting latent prints; that is, it should be used before treatment with fingerprint powders or chemicals. After the laser examination and prior to the utilization of fingerprint powders, Latent Fingerprint Section specialists can enhance the possibility of developing latent prints on certain nonporous articles, such as plastic bags and other pliable plastics, by subjecting them to fumes from cyanoacrylate glue. Consideration should be given to contacting field office Evidence Response Team (ERT) members for possible treatment of nonporous items with cyanoacrylate glue prior to submitting to the Latent Fingerprint Section. ERT members also are knowledgeable in the packaging of specimens for shipment to the Laboratory.

(2) The powders in use at the present time are gray, black, aluminum, "dragon's blood," and bronze. Black and gray powders should be generally used inasmuch as they most often give the best results. Black powder is used on surfaces with a light background and gray powder on dark surfaces. It is desirable to emphasize that in many instances it is not necessary that any powder be applied to a latent impression to develop it, as sometimes these impressions appear clearly. Visible prints should be photographed before any attempt is made to improve by powdering. Conventional powders are to be used to bring the print to a point where it may be photographed or otherwise recorded. Fluorescent powders should not be routinely used and only

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considered after conventional powders prove nonproductive. The visualization of fluorescent prints requires a special light source and the photography of such prints is more time consuming. Further, surfaces processed with fluorescent powders should be thoroughly cleaned as the presence of fluorescent powder cannot be readily detected without the aid of a light source and may pose a health risk if subsequently handled. Any item which bears a latent print in blood (or resemblance of a latent print in blood) should not be examined using powders, but should be submitted to the Latent Fingerprint Section. All visible latent prints on items to be shipped to the Latent Fingerprint Section should be photographed before shipment. Where a print may show distinctly in the oil and grease on an automobile, no powder should be used. Where powders are utilized, those which contrast in color with the surface should be used. Mirrors and highly polished surfaces photograph black, and this must be kept in mind in selecting the proper powder to use. Powders should generally be used only on nonporous surfaces such as metal, glass and porcelain. Powder generally should not be used on paper, cloth or unfinished wood, since these specimens are chemically treated by the specialists of the Latent Fingerprint Section.

(3) Some chemicals which are used to develop latent prints are irritating to eyes, nose and throat when not used under proper conditions and will stain skin and clothing. Use of these chemicals requires close observation by a trained technician to ensure proper development of all latent prints. If a human body is to be examined for latent prints on the skin, the examination should be done immediately utilizing the cyanoacrylate powder method or any other available process. When porous-type evidence is too bulky or valuable to be shipped, a request can be made for field processing by a latent fingerprint specialist. In an instance of field processing of a crime scene by a specialist of the Latent Fingerprint Section, a Special Agent must provide security by remaining with the specialist during the processing unless appropriate security is being provided by another agency.

EFFECTIVE: 11/21/97

15-3.4 Photographing Latent Prints

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EFFECTIVE: 08/17/84

15-3.4.1 The Fingerprint Camera

(1) Photographs of latent prints will show more contrast in the ridge detail than most lifts will of the same impression. It is recommended that a medium format camera, i.e., Mamiya, be used. It is not necessary to photograph the latent prints at their natural size (1:1). A fingerprint camera that has a fixed focus, its own self-contained light source and uses 120 film may also be used. If necessary, a small format 35mm camera can be used in lieu of a medium format camera. Due to its negative size, medium format cameras will produce higher quality photographs. Photograph all latent prints whether they are of good quality or not (no field evaluations).

(2) The first frame of each roll of film should depict the photographic log showing the roll number, subjects for the film and the camera settings.

(3) Each latent print should be photographed individually for better clarity. The following steps should be utilized when photographing latent prints: (a) all latent prints must be photographed with an identification tag, (b) the identification tag must include a scale, reference number, location of prints, and initials, (c) the identification tag should be placed on the same plane as the latent print, (d) fill the frame completely with the latent prints and the identification tag, (e) photograph latent prints that are close to one another in one frame, if possible, especially if they are simultaneous prints, (f) use T-Max 400 film, (g) set the f/stop to f/8, (h) adjust the shutter speed setting until the green light appears, (i) make two exposures of each latent print by bracketing--the first exposure should be what the camera suggests with the green light and the second exposure should be one stop overexposed by adjusting the shutter speed dial, and (j) maintain a photographic log. The information should correspond with the latent print log and the evidence recovery log.

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15-3.4.2 Recording Location of Latent Prints

Care must be exercised to see that all latent prints developed and photographed for possible use are marked properly so that they may be identified readily. It is advisable to record in the notebook of the investigator the exact location where the latent prints were found - position on a safe door, car window, etc. Noting these facts may affect the entire presentation of the case, and all photographs or exhibits should contain reference thereto. Latent prints should be lifted after photographing whenever possible.

EFFECTIVE: 08/17/84

15-3.5 Lifting of Latent Impressions

Sometimes, due to poor contrasts, reflections of light, multicolored surfaces, or the physical location of a latent print, it is not possible to photograph the impression effectively. In all such cases, latent prints should be lifted. Latent prints should also be lifted even though photographs have been made of the impression. A black rubber lift is used for lifting latent prints where gray or aluminum powder was used in developing the latent print. The white rubber lifting tape is used for the black, dragon's blood and bronze powders. A piece of the tape large enough to cover the entire latent print to be lifted is selected. The lift must be marked properly for identification purposes. Approved transparent tape may be similarly used with the exception that the tape should be mounted on a black or white card contrasting with the color of powder used. Rubber tape generally gives better results than transparent tape on curved or uneven surfaces.

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15-3.6 Elimination Prints

The fingerprints of all persons who have legitimately handled the articles must be taken for comparison with any latent prints. If latent palm prints are developed, it will be necessary also to take palm prints for elimination purposes. Consideration should be given to obtaining the prints of a deceased individual before interment. Agents should be extremely careful in handling objects so as not to leave their own prints thereon. If inadvertently handled, such information should be indicated in letter transmittal. All fingerprints submitted for elimination purposes, or as suspects, should have the necessary descriptive data on the cards. Major case prints submitted for elimination purposes, or as suspects, should appropriately be taken on separate cards. The palm prints should never be taken on the reverse side of a fingerprint card.

EFFECTIVE: 05/11/87

15-4 SUBMISSION OF EVIDENCE

EFFECTIVE: 05/11/87

15-4.1 Letters Submitting Evidence or Articles for Examination (See MIOG, Part I, 91-9(1) & Part II, 15-3.3.)

(1) Three copies of a letter submitting photographs or the lifts of latent impressions, as well as articles to be examined, should be forwarded to FBI Headquarters. The letters and packages should be addressed in the usual manner, marked "Attention: Laboratory Division, Evidence Control Center." When evidence is transmitted as an enclosure to correspondence, an evidence envelope (FD-632) should be used as the enclosure envelope. After the information is completed on the envelope, place the evidence in the envelope and seal, and staple the completed correspondence to the yellow flap of the envelope. In each instance where the evidence is too bulky to be sent enclosed, yellow transparent tape should be placed over the address label on each package. A copy of the letter should be placed in the package, and the original letter and a copy should be sent separately. Letters transmitting evidence and requesting examinations should set forth briefly all pertinent material and information which would be of value to the specialist in the course of the examination. Evidence to

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be transmitted to the Latent Fingerprint Section for examination should not be powdered for the development of latent impressions. Fragile articles should be carefully packed and the package marked fragile. On the inside wrapper of the object to be sent, the gummed labels of the Latent Fingerprint Section designating the enclosure as "Evidence" should be used.

(2) In any case where it is known that an article or specimen to be submitted may have been contaminated by a person infected with, or suspected of being infected with, acquired immune deficiency syndrome (AIDS), tuberculosis, or hepatitis, the Latent Fingerprint Section must be contacted prior to submission to determine if the examination will be conducted.

EFFECTIVE: 04/01/96.

15-4.2 Latent Fingerprint Section Reports | (See MAOP, Part II,
10-13.13.) |

Each auxiliary office should request FBIHQ to furnish original latent fingerprint reports and, if appropriate, the evidence to the office of origin upon completion of the latent examinations.

EFFECTIVE: 09/24/93

15-4.3 Submission of Fingerprint Cards (or Major Case Prints) for
Comparison

In submitting fingerprint cards for comparison with latent fingerprints in connection with any specific case, a letter should also be directed with the fingerprints to the Laboratory Division, Evidence Control Center, requesting such comparison. When fingerprint cards are submitted for comparison purposes with any latent fingerprints, the criminal-suspect or noncriminal-elimination nature of these prints should be indicated. Criminal prints that do not contain the necessary data for retention in the Criminal Justice Information Services Division files, as well as suspect and elimination prints, are returned to the contributor.

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EFFECTIVE: 04/01/96

15-4.4 Preservation of Specimens During Shipment

(1) In sending exposed films to the Latent Fingerprint Section, Laboratory Division, in connection with latent fingerprint cases, the outside of the package should be marked "undeveloped films," in order that they may be handled properly at FBIHQ. All articles, with the exception of paper specimens, should be packed for transfer in such a manner that surfaces which bear latent impressions cannot come into contact with any other surface or substance. The most effective method to do this is to mount the articles on a baseboard. The board can then be fastened inside a stout container. With reasonable ingenuity, practically any article can be secured so that its surfaces are protected. Absorbent material, such as newspapers, cotton, or cloth, should never be placed next to the article. Generally, when photographic negatives and photographs of latent prints are submitted by the field, they will be retained in the Latent Fingerprint Section. Other material submitted for latent fingerprint examination will be returned unless the letter covering the submission of the evidence requests its destruction.

(2) In the event it is necessary to transmit the fingers, hands, or feet of a deceased individual to the Latent Fingerprint Section for examination, they should be placed in a container of 70 percent solution of alcohol, and this should be stated in accompanying correspondence. Entire hands should not be submitted unless there is a special need to do so. When submitting the fingers, each finger should be amputated and placed in an individual container, and appropriately labeled (right thumb, right index, etc.). Requirements for labeling, marking and shipping of body parts should be determined by contacting the carrier.

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15-5 REQUESTS FOR COPIES OF LATENT PRINTS

Inasmuch as all latent fingerprint comparisons are to be conducted by the experts of the Latent Fingerprint Section, requests for photographic copies of latent prints will not be honored unless the letter requesting such photographs states specifically the use to which these photographic copies are to be placed.

EFFECTIVE: 05/11/87

15-6 LIAISON WITH U.S. AND PROSECUTING ATTORNEYS

Maintain close liaison with U.S. and Prosecuting Attorneys to ensure prompt notification of trials or changes in trial dates involving testimony of latent fingerprint specialists. Communications regarding such are to be marked for Attention: Latent Fingerprint Section, Laboratory Division, and should refer to the pertinent latent case number(s).

EFFECTIVE: 09/24/93

15-7 COURT DECISIONS

EFFECTIVE: 05/11/87

15-7.1 Latent Fingerprint Testimony

Latent fingerprint testimony is universally accepted today by the courts of all civilized countries. Field offices should advise the Latent Fingerprint Section, Laboratory Division of any current decisions involving any phase of fingerprint testimony. In this country, such testimony is accepted in Federal, state and military courts when it is shown that the witness is a competent expert because of his/her experience and knowledge of the subject matter. Numerous court decisions in this country uphold the validity and competence of such testimony, several of which hold as follows:

(1) Holt v. U.S., 218 U.S. 245, 1910, the U.S. Supreme Court in considering the contention of the defendant's counsel that

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the taking and use of fingerprints of a person and the use of same at the trial of the accused is a violation of the constitutional provision against self-incrimination held, "the prohibition of compelling a man in criminal court to be a witness against himself is a prohibition of the use of physical or moral compulsion to extort communications from him, not an exclusion of his body as evidence when it be material."

(2) Duree, et al., v. U.S., 297 Fed 70, 1924, District Court of U.S. for Western District of Oklahoma held that photographs of latent prints on a bottle were admissible in evidence.

(3) Newton Grice v. Texas, 142 T.C.R. 4, 1941, Supreme Court of Texas held that testimony by a competent fingerprint expert concerning a latent fingerprint which was identified as the fingerprint of the accused, was in itself sufficient evidence to authorize the jury's finding of the accused guilty of burglary, even in the absence of collateral evidence.

EFFECTIVE: 09/24/93

15-7.2 Latent Palm Print Testimony

(1) Davis v. Dunn, 90 Vt. 253, 259, 98A, 81 Ann Cas., 1918D, 994, 1916, court stated, "This knowledge (identification by use of fingerprints) of the courts goes so far as to enable them to say, without proof, that the imprint of the palm side of the human hand, when fairly taken, presents reliable; individual, and unchanging characteristics of the papillary ridges."

(2) Supreme Court of the State of Nevada held in State v. Kuhl, 175 Pac 190, 1918, that an expert may testify positively as to the identity of two palm impressions rather than be limited to his/her belief or judgment. Further, that "all the learned authors, experts, and scientists on the subject of fingerprint identification agree that these patterns, formed by the papillary ridges on the inner surface of the human hand and the sole of the foot, are persistent, continuous and unchanging from a period in the existence of the individual extending from some months before birth until disintegration after death."

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EFFECTIVE: 05/11/87

15-7.3 Latent Footprint Testimony

In the case of Commonwealth v. Oscar Bartolini, 299 Mass. 503, 1938, the Supreme Court of Massachusetts (3-1-38) held that there was no error in permitting a witness to testify as an expert witness where it is shown that, "There was ample evidence of special study and knowledge by the witness of the subject of footprints as well as of fingerprints." The Court also recognized the fact, "That footprints, like fingerprints, remain constant throughout life and furnish an adequate and reliable means of identification."

EFFECTIVE: 09/25/91

15-8 SERVICES OF DISASTER SQUAD

EFFECTIVE: 09/25/91

15-8.1 Limitations of Assistance

The FBI Disaster Squad assists in the fingerprint identification of casualties in major disasters. A request for the assistance of the FBI Disaster Squad will be honored if it originates from one of the following: the ranking law enforcement official having jurisdiction over the disaster scene; the medical examiner, coroner, or other ranking official, such as the Mayor or Governor; an official of the U.S. Department of Transportation (National Transportation Safety Board or Federal Aviation Administration); or an official of the U.S. Department of State in foreign disasters involving American citizens. Unless complete background information is needed in a case wherein the FBI has investigative jurisdiction, utilization of Agent personnel should be minimal, such as to assist the Disaster Squad at the scene. The FBI's participation will be limited to identifying as many of the casualties as possible by fingerprints. This limitation should be clearly explained to the requesting official at the time the request for the Disaster Squad's assistance is received in order that the requester will be on notice of the extent of FBI services that can be expected.

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EFFECTIVE: 09/25/91

15-8.2 Action to Be Taken By Field Office Covering Disaster Site

- (1) Advise FBIHQ by telephone of disaster and whether services of the Disaster Squad have been requested.
- (2) FBIHQ will give instructions as to which office will be designated office of origin for identification phase of case if conflict exists.

(3) Assign experienced Agent personnel to disaster scene to develop any information indicating a federal violation within the Bureau's investigative jurisdiction.

(4) If transportation facility involved, establish close liaison with company office so as to obtain, as quickly as possible, passengers' full names and descriptions. Office covering point of origin of transportation carrier usually in best position to do this.

(5) Furnish names and descriptive data immediately to the Criminal Justice Information Services Division so search can be made for fingerprints which may be in our files.

EFFECTIVE: 04/08/96

15-8.3 Suggested Action to Be Taken at Scene by the Official Having Jurisdiction Over the Disaster

(1) Institute uniform body numbering system and tag remains of each casualty with assigned number. Severed portion of remains should be maintained in a separate area and labeled as to location where found.

(2) During search of disaster scene for casualties, personal effects not definitely attached to bodies should be labeled and kept separate. Personal items removed from bodies, such as clothing, rings, etc., should be placed in individual containers and identified by number corresponding with body number. Identity of person performing this task should be recorded. FBI personnel are not to assume custody of personal valuables.

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(3) Encourage use of a single central morgue. In absence of adequate conventional morgue facilities, consider gymnasium, armory, or similar large, well-lighted, well-ventilated structure and availability of a refrigerated truck.

(4) Each casualty should be fingerprinted, photographed, and a detailed physical description taken prior to release of body, regardless of means used to identify remains.

(5) Ensure that detailed and careful search is made of casualty at morgue to record jewelry, clothing, scars, marks, tattoos, and any other identifying factors. Property removed from each victim should be kept in a separate container appropriately documented where found.

(6) Suggest that services of a dentist be obtained for detailed charting of the teeth.

(7) Suggest complete pathological examination of remains with particular emphasis on evidence of previous removal or repair to internal organs, age estimate, and physical build.

(8) Relatives visiting scene or morgue should be interviewed by local officials.

EFFECTIVE: 09/25/91

15-8.4 Instructions for Auxiliary Offices

(1) Deleted

(2) Deleted

(3) In cases where FBI has investigative jurisdiction in the disaster, auxiliary offices will be expected to immediately forward items such as dental charts and fingerprints. In these instances, the cooperation of commercial aircraft personnel should be obtained to expedite delivery to the FBI Disaster Squad at the scene. Use envelopes bearing postage indicia.

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EFFECTIVE: 09/25/91

15-8.5 Commercial Airlines

If commercial airlines involved in disaster, see also Part I, Section 149, of this manual for instructions regarding investigations under destruction of aircraft or motor vehicle statutes.

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SECTION 16. TECHNICAL SERVICES

16-1 COMMUNICATIONS SERVICES | (See MAOP, Part II, 10-5.) |

Communications services include the transmission and receipt of official information in textual or graphical form through the use of secure and nonsecure teletype and facsimile systems.

EFFECTIVE: 07/15/93

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Section 552a

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(d)(5)

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(j)(2)

(b)(3)

(b)(7)(C)

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(k)(2)

(b)(7)(E)

(k)(3)

(b)(7)(F)

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EFFECTIVE: 12/14/93

16-7.1.7 Administrative Unit

The Administrative Unit coordinates budget formulation and fiscal management of ES programs, provides support services to the ES including coordination, security and control of section space, telecommunications services, including secure and commercial telephones, facsimile and COMSEC, mail and courier service, automotive fleet management, inventory, personnel, procurement services, draft system, shipping and receiving; and other administrative support activities necessary for routine operation of the ES.

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16-7.1.8 Advanced Telephony Unit (ATU)

The mission of the ATU is to formulate strategies, initiate development of methodologies and ensure the ability of the FBI to perform court-ordered electronic surveillance with respect to the emerging and future telecommunications technologies.

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16-7.1.9

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Section 552a

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(2) Technically Trained Agent Training Program

This program is responsible for training all field TTAs, the continued upgrading of the technical training curriculum, and for administering the TTA On-the-Job Training Program. These responsibilities include provisioning all training for TTAs, designing and evaluating new courses, identifying technical training facilities and equipment as appropriate. The program is responsible for maintaining the high level of technical knowledge required by field TTAs.

(3) Electronics Technicians Management Program (See MIOG, Part I, 67-10.10; MAOP, Part I, 11-16.3.1.)

This program is responsible for the management of the ET Program in the field. These responsibilities include maintaining field ET Program staffing levels, ET staffing for major case/crisis response incidents, specialty transfer requests, evaluation of the field ET Programs, and assisting in the recruitment, evaluation, and hiring of ETs for the field and FBIHQ. This program also oversees the activities of the Electronics Technician Advisory Committee.

(4) Electronics Technicians Training Program

This program is responsible for training of all field ETs and the continued upgrading of the training curriculum. These responsibilities include providing all radio and data communications training for field ETs, designing and evaluating new courses, and identifying technical training facilities, vendors, and equipment as appropriate. This program is responsible for maintaining the high level of technical knowledge required by field ET personnel.

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(5) Computer Specialist Management Program

This program is responsible for the overall management of the CS Program. These responsibilities include maintenance of CS Program staffing levels; CS temporary duty staffing for major case investigations or crisis response incidents; evaluations of field CS Programs, and overseeing the recruitment, evaluation, hiring, promotion, and other related personnel actions for CSs in the field and at FBIHQ. This program also oversees the activities of the Computer Specialist Advisory Group, and coordinates the annual Technical Automation Conference.

(6) Computer Specialist Training Program

This program is responsible for the training of field and FBIHQ CSs. These responsibilities include the continued development and implementation of CS training curricula which will empower CSs with the ability to operate and maintain the FBI's existing and emerging computer hardware and software systems.

(7) [REDACTED]

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(2) The Technical Operations Section (TOS) strongly recommends that each field office establish a GS-14 Technical Supervisor (TS) position as part of its overall office management structure. This position should be filled by an experienced TTA, capable of overseeing all technical investigative activities within the field office. The field inspection process, on-site technical investigative program reviews, and management

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feedback received from field offices with a TS already in place, clearly validate the organizational benefits derived through consolidating office technical investigative resources under one Supervisory Special Agent with a proven technical investigative background. As a minimum, the TOS recommends, in all but the largest field offices, that the TS be assigned management oversight for all TTA, ET, and CS personnel. The assignment to the TS of additional office technical support personnel may be warranted based upon the size of the field office.

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16-7.3.3

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16-7.3.4 Loan of Electronic Surveillance Equipment (See MIOG, Part II, 10-9.14 & 10-10.10.)

(1) Loan of Electronic Surveillance Equipment to State and Local Law Enforcement Agencies.

(a) By Department Order 890-80, dated 4/29/80, the Attorney General delegated to the Assistant Attorney General, Criminal Division, Department of Justice (DOJ), the authority to approve loans of electronic surveillance equipment to state and local law enforcement agencies for use in their investigations (i.e., not joint FBI investigations). Under this delegation, the loan of such equipment is to be made only in exceptional circumstances and to be consistent with federal and state laws, as well as with state and local law enforcement regulations.

(b) The Office of Enforcement Operations within the

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Criminal Division of the DOJ has been assigned the responsibility of coordinating requests received for electronic surveillance equipment. That Office defines electronic surveillance equipment as any equipment which would be used in Title 18, USC, Section 2510, et seq. (Title III) - or consensual electronic coverages.

(c) The Departmental Order specifies that the loan of electronic surveillance equipment to state and local law enforcement agencies is to be discouraged and is to be permitted only:

1. in furtherance of the federal government's interests in the investigation and prosecution of violations of state criminal law that are of federal concern;

2. in compliance with all applicable provisions of federal, state and local law;

3. without interfering with state and local control of state and local law enforcement; and

4. without duplication of other federal programs of assistance to state and local law enforcement.

(d) Except in an emergency, requests for loan of electronic surveillance equipment will not be approved until the head of state or local law enforcement agency certifies in writing that the agency:

1. has authority under state and local law to borrow the equipment on the terms required by the Order;

2. has valid legal authority under state and local law to conduct the particular electronic surveillance for which the equipment is requested;

3. cannot obtain the requested equipment from other law enforcement agencies within the state; and

4. does not have available to it funds provided by the Law Enforcement Assistance Administration or its successor agency to obtain the requested equipment.

(e) Requests must contain a copy of a written opinion of the chief legal officer to the state or local government indicating compliance with conditions (d)1. and (d)2.

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(f) The field office must advise FBIHQ when requesting approval to loan electronic equipment (be it either a routine or an emergency request) whether there is a current need for equipment within its division; whether, in the SAC's opinion, it is within the interest of the United States to loan the requested equipment in the specific criminal investigation; and whether the agency involved has previously violated the terms of any loan of electronic surveillance equipment by the FBI.

(g) The Deputy Director, FBI, will formally request the Assistant Attorney General, Criminal Division, DOJ, to permit the FBI to loan the equipment only after receipt of the state or local request with its attachments and the comments of the field office concerning that request.

(h) In an emergency, if the head of the state or local law enforcement agency involved represents that an emergency exists, that the need for electronic surveillance equipment exists, and that he/she is authorized under state law to conduct emergency electronic surveillance specifying the provision of state law upon which he/she is proceeding, the Deputy Director, FBIHQ, may grant the emergency request. The field office should expeditiously contact FBIHQ to explain why advance approval is not possible and secure the necessary approval, confirming both by teletype. The emergency loan, like the nonemergency loan, must be made pursuant to a written agreement. However, the Order provides that the written certifications required from the state or local agency may be provided following the actual loan, if submitted to the Assistant Attorney General, Criminal Division, DOJ, within FIVE (5) work days of the loan. Therefore, FBIHQ must receive the certifications in time to present them to the Assistant Attorney General, Criminal Division, DOJ, no later than the close of business on the fifth business day following the loan.

(i) The actual loan of the electronic surveillance equipment, in both routine and emergency circumstances, must be made pursuant to a written agreement between the FBI (SAC or designee) and the requesting state or local law enforcement agency. This agreement must identify the equipment to be loaned, describe the target of the surveillance, and detail the purpose (i.e., goal) of the surveillance to be conducted. It must also provide:

1. that the loan of the equipment is subject to the needs of the FBI and the equipment must be returned whenever requested;

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2. that the loan of the equipment is limited to no longer than the duration of the authorized surveillance for which it is requested, or 90 days, whichever is less;

3. that the equipment may be used only for the validly authorized surveillance for which it was requested;

4. that the agency will not permit any other person or governmental entity to use the equipment;

5. that no FBI personnel may install the equipment and no FBI personnel may participate in the surveillance;
and

6. that the agency will reimburse the United States for all loss or damage to the equipment. Any dispute over the amount of loss or damage will be resolved by the Assistant Attorney General, Criminal Division, DOJ, whose resolution will be final.

(j) Routine request should be by electronic communication (EC) to FBIHQ, Information Resources Division, Technical Operations Section, and should enclose both a written request from the head of the local or state law enforcement agency and the written opinion of the chief legal officer of the local or state government. Emergency requests should be by telephone, confirmed by EC, and followed by an EC, enclosing the necessary documents.

(2) Use of FBI technical equipment in Joint Cases where state and local law enforcement agencies obtained authority for its use (See MIOG, Part II, 10-10.3| (8).)

(a) A Joint Case, for purposes of this section, is an investigation in which there exists significant FBI interest in the subject or subjects of local investigation and substantial FBI investigative resources have been utilized and/or will be utilized in the planned investigation with the local agency.

(b) FBIHQ authority must be obtained prior to any use of FBI electronic surveillance equipment or personnel in furtherance of any order or authority obtained by state or local law enforcement agencies. Should approval be granted for such use, the pertinent local or state order or authority must contain specific language authorizing FBI participation, whether the assistance is in installation, monitoring, or whatever is appropriate.

(c) In requesting FBIHQ authority, the field office

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is to set forth the following information:

1. A synopsis of the investigation conducted to date by FBI and local agency involved, to include dates FBI case was opened, as well as when joint investigation was initiated.

2. Specific SAC comments as to the value of the assistance to the FBI investigation and extent of federal control over local electronic surveillance.

3. Exact nature of equipment to be utilized and technical assistance required, and whether equipment is on hand in the requesting division.

4. Specific comments of the Technical Advisor as to the ability of the local agency to properly utilize technical equipment requested.

5. That the local agency has valid legal authority under state or local law to conduct the electronic surveillance for which equipment will be utilized. Specific statute should be cited.

6. That the Chief Division Counsel or the Assistant United States Attorney has reviewed the affidavits and orders to be filed and concurs in their sufficiency.

7. That FBI policy in limiting disclosure as set forth in Part II, Sections 10-10.13 and 10-10.16, of this manual, will be honored in any subsequent local proceedings.

The above information is to be provided by appropriate communication to the attention of the Information Resources Division and to either the Criminal Investigative Division or the National Security Division.

(d) Any request for FBI assistance in execution of a locally obtained court order which requires physical entry (i.e., microphone installation) will be handled separately and will require significant justification. Emergency requests for such assistance are to be discouraged and likely will NOT be approved.

(3) Loan of Electronic Surveillance Equipment to Other Federal Agencies.

(a) The loan of FBI technical electronic surveillance equipment to other federal agencies is permissible on a

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short-term basis. The loan of equipment must be subject to availability and must not negatively affect the technical investigative efforts of the FBI.

(b) For agencies of the Department of Justice (DOJ), specifically the Drug Enforcement Administration (DEA), material support and assistance, including the loan of technical equipment, should be handled on a local level, subject to the provisions stated above.

(c) For agencies other than DOJ, requests must be made on a Headquarters level, and the requesting agency must have electronic surveillance authority and capability.

(d) All technical equipment provided must be from existing field office stock.

EFFECTIVE: 02/28/97

16-7.3.5 Shipment of Technical Equipment and Parts Documentation

(1) Bureau Form FD-734 is designed to document shipments of technical equipment and parts between field divisions and the Information Resources Division for repairs, temporary assignments, and permanent transfer. This form consists of ten parts with carbon paper separating the parts and is stubbed at the top of the form. Designated routing and invoice numbers have been preprinted.

(a) From top to bottom pages are as follows:

Part One (Original) - white

Part Two (Program Manager) - blue - copy 1

Part Three (Supply Technician) - salmon - copy 2

Part Four (Property Accounting Systems Unit) -
pink - copy 3

Part Five (Bureau File Copy) - yellow - copy 4

Part Six (Duplicate Copy) - green - copy 5

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Part Seven (Packing Slip) - goldenrod - copy 6

Part Eight (Return Receipt Copy) - white - copy

Part Nine (Duplicate Copy) - white - copy 8

Part Ten (Originator's File Copy) - white - copy

(b) Distribution of FD-734 form parts

Part	Designated Routing	Remarks
One	Original	Consignee (Administrative Officer)
Two	Program Manager	Consignee (Program Manager/Tech Coordinator)
Three	Supply Technician	Consignee (Property Custodian) Retention of this copy is required. For equipment received for permanent transfer, retain until equipment is reflected on the monthly inventory supplement. For equipment received for temporary assignment, retain copy until equipment returned.
Four	Property Accounting System	Send to FBIHQ. (Attach FD-514, data adjustment form, for permanent transfer of equipment.)
Five	Bureau File Copy	Send to FBIHQ. (Record on part five shipping data, such as

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registered mail number,
name of airfreight
company, airbill
number, date, number of
cartons, weight, etc.)

-
- | | | |
|-------|----------------------|--|
| Six | Green Duplicate Copy | Send to FBIHQ,
Attention of cognizant
section or unit. (For
information on the
movement of technical
equipment.) |
| <hr/> | | |
| Seven | Packing Slip | Enclose in box or
carton. For multibox
shipments a reproduc-
tion of the packing
slip must be enclosed
in each box indicating
items of equipment
contained therein. |
| Eight | Return Receipt Copy | Enclose in box
or carton, if
multibox shipment box
#1 is used. Initial
and date to acknowledge
receipt of shipment.
Note any discrepancies.
Return to sender. |
| Nine | White Duplicate Copy | Property Custodian of
shipping division.
Retention of this copy
is required. For
equipment shipped for
permanent transfer,
retain until transfer
reflected on the
monthly inventory
supplement. For
equipment shipped on
temporary assignment
basis, retain copy
until equipment
returned. |

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Ten	Originator's File Copy	Retained in files by employee authorizing shipment.
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(2) Bureau Form FD-750 is designed for documenting technical equipment shipments to various contractors for repair, modification, trade-in, or exchange in situations where field office has been given FBIHQ authority to transport technical equipment for aforementioned purposes. This form contains seven parts with carbon paper separating parts, and is stubbed at the form top. Each part is designated with bold printing, for easy distribution, and is numbered for reference.

(a) From top to bottom parts are as follows:

Part One (Original) - White
Part Two (Bureau File Copy) - Yellow
Part Three (Originator Acknowledgement Return Receipt Copy) - Blue
Part Four (Vendor Acknowledgement Return Receipt Copy) - Pink
Part Five (Freight Desk) - Salmon
Part Six (Packing Slip) - Goldenrod
Part Seven (Originator File Copy) - Green

(b) Distribution of form parts:

1. Original Copy: Route to field division supply technician.

2. Bureau File Copy: Route to field division Administrative Officer. Indicate pertinent shipping data.

3. Originator Acknowledgement Return Receipt Copy: Upon return of the technical equipment at the field division, record date of receipt, initials, and route copy to the supply technician.

4. Vendor Acknowledgement Return Receipt: Enclose this copy in package with technical equipment, attach a self-addressed envelope for the contractor to return the receipt to the field division.

5. Freight Desk: Retained by support personnel tasked with the processing of surface freight, air freight, and

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registered mail.

6. Packing Slip Copy: Enclose this copy in package with technical equipment for retention by the contractor.

7. Originator File Copy: Retain in files by employee authorizing the shipment.

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EFFECTIVE: 07/28/97

16-7.5.3 Technical Update Newsletter

The Technical Operations Section will periodically publish a Technical Update Newsletter. The newsletter will provide operational information of interest to the TIAs, Electronics Technicians (ETs), and Computer Specialists (CSs). Information for the newsletter is solicited from Engineering Research Facility Program Managers and from field technical personnel.

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16-7.6.3 New Agent Training

The ES will provide appropriate and current electronic surveillance training to new Agents. This training will be conducted within the structured New Agent Training curriculum.

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16-8.2.2 Requests for Examination of Evidence

All requests should be made after coordination with the TA in a written communication addressed to the Director, Federal Bureau of Investigation, "Attention: Technical Services Division, Engineering Section" under the case caption and should contain the following information:

- (1) Reference to any previous correspondence submitted to the Technical Services Division.
- (2) A list of evidence being submitted and if the evidence is enclosed or being sent under separate cover. (Note: Due to chain of custody requirements, evidence sent through the U.S. Postal Service (USPS) should be sent registered mail. If the submission must be sent on an expedite basis, a service which provides a protective or security signature service similar to USPS registered mail should be used.)
- (3) Briefly describe the manner in which the recording was made; i.e., type of recorder or transmitter, if known, and perceived problem with the recording if enhancement is requested.
- (4) The location and content of the pertinent conversation(s) on the tape and their approximate duration.
- (5) A request stating the type of examination required including, if applicable, the number of copies needed and format (open reel or cassette).
- (6) Any time limitation requiring expedite handling should be explained, such as a fixed trial date or life-threatening situations.
- (7) The name and telephone number of the person to be contacted should any questions arise regarding the examination of evidence.

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16-8.2.3 Marking of Recordings for Identification

- (1) Marking should be done with black indelible pen.
- (2) Marking should be done on the tape itself on the nonrecorded side. The tape is the evidence, not the reel, box or other container.

Cassette tapes should also be marked on the tape. This may be accomplished by carefully pulling out a loop of tape and placing identifying information on the back side of the tape at the beginning. The tape may be wound by hand back into the cassette case.

- (3) Identifying information should include unique identifiers and the date the recording was made.
- (4) Suitable identifying information should also be placed on the tape box, case, cassette label or container used to house the tape.

EFFECTIVE: 09/25/91

16-8.2.4 Submission of Recordings

Only the original recordings should be submitted for examination. One or more copies should be made for retention by the field office prior to submission of the original recordings.

- (1) Recordings should be packed in a sturdy cardboard box with no less than three inches of packing material on all sides. This will prevent accidental erasure in the remote event that the recording is exposed to a strong magnetic field while in transit.
- (2) If a recorder or other items are also submitted, they should be packed securely within the box to avoid damage in transit.
- (3) Seal the box with gummed tape and clearly mark the outside of the box with the word "EVIDENCE." (If any of the evidence in the box is to be subjected to a latent fingerprint examination, the evidence as well as the outside of the box should be clearly marked

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with the word "LATENT.")

(4) Place a copy of the original written request for the examination in an envelope marked "INVOICE" and securely affix this envelope to the outside of the sealed box.

(5) Enclose the sealed box in wrapping paper and seal the wrapping paper with gummed tape. Prepare the address label, addressing the package to: FBI Engineering Research Facility, Audio/Video Processing Program, Building 27958A, Quantico, Virginia 22135. Cover the label with yellow transparent tape to identify the shipment as evidence.

(6) Ship the package by U.S. Postal Service (USPS) registered mail. If the shipment is sent by another carrier, ensure that a protective or security signature-type service is available and utilized similarly to USPS registered mail.

EFFECTIVE: 09/25/91

16-8.2.5 Tape Enhancement

Tape enhancement is the selective reduction of interfering noise on audio recordings to improve the intelligibility or ease of understanding the desired audio information.

(1) Best enhancement is obtained by processing the original recordings; therefore, if available, only the original recording should be submitted in accordance with instructions in 16-8.2.2 and 16-8.2.4.

(2) No alteration of the original recording occurs during the enhancement process. An enhanced copy of the information recorded on the original is produced.

(3) Enhanced recordings may be used for courtroom presentation in conjunction with the original tapes, and/or for intelligence or lead purposes.

(4) Deleted

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EFFECTIVE: 09/25/91

16-8.2.6 Review and Presentation of Enhanced Recordings

(1) Review of all marginally intelligible recordings, including both original and enhanced versions, should be accomplished by using high quality recorders and earphones.

(2) Courtroom presentation of marginally intelligible recordings should be accomplished by means of a courtroom presentation system consisting of a quality tape recorder, amplifier and an earphone network which provides individual earphones to each of the jury members, the judge, witness box, defense, and prosecution. Loudspeakers should be provided for the spectator area but played at a level where they cannot be heard by a juror wearing earphones.

(3) The use of a courtroom presentation system will improve the ability of the jury to understand most recordings and should be considered whenever audio information is played in court.

EFFECTIVE: 05/26/89

16-8.2.7 Magnetic Tape Authenticity Examination

Magnetic tape authenticity examinations are conducted to establish that the recording was made as claimed or that no editing, stopping, erasing or other tampering of the tape occurred.

(1) Typically, magnetic tape authenticity examinations are conducted in response to allegations of tape tampering by the defense.

(2) Magnetic tape authenticity examinations may also be conducted to determine legitimacy of suspicious recordings offered by the defense.

Should the defense contend tampering has occurred on an evidence tape recording, every effort should be made to force the defense to precisely specify the areas in contention. This will significantly reduce the amount of time necessary to conduct examinations of the recording.

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(3) Questions regarding tape authenticity should be directed to the Engineering Section of the Technical Services Division.

(4) Requests for tape authenticity examinations should be made only in the event that legitimacy of the tape cannot be established through chain of custody and appropriate testimony as to integrity of the recording by parties involved in production, copying, storage, transcription, etc.

EFFECTIVE: 05/26/89

16-8.2.8 Submission of Evidence

Submit in accordance with 16-8.2.2 and 16-8.2.4 above, and whenever possible, attempt to identify and locate the recorder used to produce the recording in question and ascertain whether any servicing, realignment or cleaning of the recorder has occurred since the recording was made. Maintain the recorder in its original condition for possible submission for examination or until the situation has been resolved.

EFFECTIVE: 05/26/89

16-8.2.9 Speaker Identification (Voiceprint) Examinations

Speaker identification examinations, using the spectrographic (voiceprint) method, are conducted to compare the recorded voice of an unknown individual to known recorded voice samples of suspects or to other unknown recorded voices. The examination is conducted by using both graphic (spectral) and aural (listening) analyses.

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16-8.2.10 Speaker Identification Policy

(1) Decisions regarding speaker identification by the spectrographic method are not considered conclusive, since there is limited scientific research regarding the reliability of the examination under the varying conditions of recording fidelity, interfering background sounds, sample size, voice disguise, restrictive frequency range, and other factors commonly encountered in investigative matters.

(2) Speaker identification examinations are conducted solely for investigative guidance. No court testimony is provided.

(3) Speaker identification examinations are normally conducted by comparing an unknown recorded voice sample to a known recorded verbatim exemplar, where the suspect repeats exactly the same wording the unknown speaker used. Nonverbatim comparisons can be conducted in high priority cases with the explicit written approval of the SAC or appropriate Assistant Director; however, a definitive identification can normally only be reached in a small percentage of nonverbatim examinations. When nonverbatim examinations are requested, typed transcriptions of all voice samples must be provided.

(4) Speaker identification examinations are conducted for local law enforcement agencies provided they agree in writing to use the results solely for investigative guidance and will not request court testimony.

(5) Only original tape recordings should be submitted for examination.

EFFECTIVE: 05/26/89

16-8.2.11 Obtaining and Submitting Known Voice Exemplars

(1) Normally known voice exemplars will be verbatim, where the suspect repeats exactly the same wording the unknown speaker used. When verbatim samples cannot be obtained, attempts should be made to elicit as many of the same words and phrases, as possible, that were used by the unknown speaker.

(2) When recording the known voice sample, duplicate as closely as possible the recording conditions and equipment used to record the unknown voice sample, including the use of the same

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telephones, if applicable.

(3) Recordings should be of high technical quality. Use standard recording tape; do not use extended play reel tapes with a thickness of less than 1.0 mil or cassettes of longer duration than 90 minutes (45 minutes per side). Tape recorder speed should be at least 1 7/8 inches per second.

(4) Verbatim typed transcriptions must accompany each recording.

EFFECTIVE: 05/26/89

16-8.2.12 Aural Comparisons

This type examination of a sound recording is made to determine if two different recordings had the same original.

EFFECTIVE: 05/26/89

16-8.2.13 Submitting Tapes for Aural Comparison

(1) The cover communication should describe the submitted tapes.

(2) The number of tapes submitted should be kept to a minimum.

(a) If possible, top hits and well-known artists should be submitted.

(b) If more than 10 tapes are submitted, ensure that the AUSA wants more than 10 counts.

(c) One copy of each tape is sufficient.

(3) Specify songs to be compared in the cover communication.

(a) This will ensure the proper "N" form is obtained.

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(b) When a song is not requested, the song compared is picked at random.

EFFECTIVE: 05/26/89

16-8.2.14 Obtaining Known Copyrighted Sound Recordings

(1) The Technical Services Division, Engineering Section, does not maintain a reference file of copyrighted sound recordings.

(2) An authorized copy of the copyrighted sound recording should be obtained from the manufacturer and submitted at the same time the questioned sound recording is submitted to Technical Services Division for examination.

(3) The authorized copy must be dated and initialed by the manufacturer's representative who will be available to testify as to the ownership of the copyright and the existence of any licensing agreements.

EFFECTIVE: 05/26/89

16-8.2.15

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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b2
b7E

EFFECTIVE: 09/25/91

| 16-8.2.16 Video Tape Examinations | (See 16-8.2(6).) |

The following types of video tape examinations are conducted by the Operational Support Unit (OSU), Engineering Section (ES), Technical Services Division (TSD): (If there is a question regarding the type of examination to be conducted or handling of video recordings, telephonically contact the OSU prior to submission of evidence.)

(1) Copyright - a determination is made as to whether a video recording is an original or a copy. Suspect recordings should be screened before submission to reduce the number of original recordings received. This can be by physical appearance, poor video quality, or informant information. Not more than five recordings should be submitted at one time.

(2) Duplication

(3) Enhancement

(4) Photographs of video images - (The specific location of the image on the recordings should be identified and the image described as completely as possible.)

(5) Standards conversion

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16-8.3

[REDACTED]

[REDACTED]

b2
b7E

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] (S)

b1

EFFECTIVE: 09/25/91

16-8.4 Deleted

EFFECTIVE: 09/25/91

16-9 VOICE COMMUNICATIONS

Voice communications encompass the procurement and management of the Federal Telecommunications System (FTS), Wide Area Telecommunications Service (WATS), and local telephone systems and facilities.

EFFECTIVE: 07/23/90

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
EXCEPT WHERE SHOWN
OTHERWISE

CLASSIFIED BY: SPS slus
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16-9.1 General Telephone Policy (See MIOG, Part II, 16-9.4.1 & 16-9.9.1.)

Whenever a telephone is utilized, the following should be kept in mind:

(1) All telephone calls made on standard telephones are subject to interception by foreign intelligence services. Consequently, no national security information should be discussed on these telephones.

(2) The use of the telephone services, equipment, or facilities (including calls over commercial systems which will be paid for by the FBI) shall be limited to the conduct of official business. Such official business calls may include emergency personal calls and calls which are determined to be in the interest of the Bureau. No other personal calls may be placed (except in circumstances identified in paragraphs (3) and (4) below) even if the employee's intention is to reimburse the FBI for the cost of the call.

(3) Use of the telephone systems for emergency personal calls may properly be authorized as being necessary in the interest of the Bureau if such use satisfies the following criteria. If possible, such calls should be made during lunch breaks, or other off-duty periods and:

(a) It does not adversely affect the performance of official duties by the employee,

(b) It is of reasonable duration and frequency, and

(c) It reasonably could not have been made at another time.

(4) Personal calls that must be made during working hours may be made over the commercial long distance network if the call is consistent with criteria in paragraph (3) and is:

(a) Charged to the employee's home telephone number or other non-Government number (third number call),

(b) Made to an 800 toll-free number,

(c) Charged to the called party if a non-Government number (collect call) or,

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(d) Charged to a personal telephone calling card.

(5) Abuse of the telephone privileges set forth above may result in disciplinary action that may include, but not be limited to, the reimbursement for the unauthorized calls.

Collection for unauthorized telephone calls shall be composed of two parts:

(a) The value of the call based on commercial long distance rates rounded to the nearest dollar and,

(b) A service (handling) charge of \$10.00 on each call to cover administrative costs, for example, to determine that the call was unauthorized and to process the collection.

(6) It is essential that maximum economy be exercised but FBIHQ and field offices must be kept advised of those matters of importance. Therefore, good judgment must prevail.

(7) Calls from within one field office territory to another or to FBIHQ should only be made with the approval of a field supervisor or above. However, approval is not needed where an agreement between adjoining offices has been previously reached.

(8)

[REDACTED]

(9) Changes in addresses and/or telephone numbers of the following must be reported immediately to FBIHQ: (See MAOP, Part I, 20-2.1.)

(a) Field offices

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(b) Resident agencies

(c) ASACs and higher

(10) Oversight of the telephone calling card program will rest with Property Procurement and Management Section (PPMS), Finance Division. The SAC or Assistant Director should submit a written request to FBIHQ, PPMS for the issuance of telephone calling cards. These requests should contain the names of the individuals to whom the cards are to be issued. PPMS will forward the telephone calling cards with Form FD-281. The PPMS will maintain the inventory records for the calling cards as issued personal property. Each calling card will have a unique number to enable identification of toll charges made by each individual. Each calling card is to be issued to an individual and the number shall not be given to other individuals for their use. A calling card may be retained by an individual upon transfer to another field office or headquarters if it can be determined that the card will be required in the new office. Once a calling card has been issued to an individual and it is no longer needed, the card should immediately be returned to FBIHQ for cancellation. A calling card may not be transferred to another individual.

(11) The monthly computer-generated bills for calling cards are received by FBIHQ and are paid quarterly with the FTS billing.

(12) Deleted

(13) Employees issued telephone calling cards through FBIHQ should not use personal telephone calling cards. Employees in field offices and divisions which do not have telephone calling cards issued through FBIHQ may use personal telephone calling cards and claim reimbursement through expense vouchers supported by proper receipts.

(14) Lost or stolen calling cards should be immediately reported to FBIHQ, Operations Management Section for cancellation and Property Procurement and Management Section for inventory control and issuance of another calling card.

EFFECTIVE: 03/07/94

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16-9.2 Requests for Additional Telephone Facilities and/or
Equipment

(1) Any facility or equipment involving substantial installation of \$100 or more, or monthly recurring charges of \$50 or more, or use of any equipment or facility involving change in Bureau policy, must be approved by FBIHQ before its installation or use may be arranged or scheduled by a field office. In an emergency situation in which time is of the essence, permission to install equipment or use a facility involving substantial costs or change in Bureau policy may be requested by contacting the Information Resources Division by telephone or other expedite means as warranted.

(2) Submit to FBIHQ on UACB basis request for minor additional communications facilities, such as a telephone instrument using an extension from your switchboard, or an additional telephone instrument in a resident agency when installation of additional telephone trunks or lines is not involved, furnishing justification and monthly costs, with installation not to be scheduled before requests can be received at FBIHQ and denial received if not approved.

(3) Speakerphones may be authorized, when individually justified, for use by SACs and ASACs. Additionally, one speakerphone may be authorized for use in a conference room or command post. The Bureau is governed by GSA regulations regarding the acquisition of speakerphones.

EFFECTIVE: 05/24/94

16-9.3 Procuring New Telephone Systems

Federal Property Management Regulations (FPMR) now require that all major changes to telecommunications facilities be procured competitively. This requires the advertising and distribution of system requirements and specifications, evaluation of responses, and submission of recommendations to GSA for approval. These procedures will require approximately 12 months for completion and must be negotiated by FBIHQ.

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EFFECTIVE: 05/24/94

16-9.4 Federal Telecommunication System (FTS)

EFFECTIVE: 07/23/90

16-9.4.1 General FTS Policy

In addition to the general telephone policy mentioned in MIOG, Part II, 16-9.1 above, the following pertains to FTS:

(1) In field offices equipped with Station Message Detail Recording (SMDR), direct FTS station access can be approved by the Special Agent in Charge. In field offices not equipped with SMDR, FTS calls are to be made through the office switchboard for the purpose of maintaining records of all outgoing FTS calls. Direct station access can be approved by the Special Agent in Charge provided that a record is made of all the outgoing FTS calls.

(2) Deleted

(3) The FTS intercity network and other Government provided long distance telephone services are to be used only to conduct official business; i.e., if the call is necessary in the interest of the Government. These networks are to be used for placement of calls instead of the commercial toll network to the maximum extent practicable.

(4) FBI FTS telephone numbers are not to be published in FTS telephone directories, but may be furnished to other agencies.

(5) FBI FTS lines must not appear on GSA switchboards, or be available to GSA telephone operators except on "call sampling" or if dialed by GSA operator. Furnish FBI FTS account number and telephone number of instrument you are using to GSA operator when call is sampled. Use no other number or variation of it. ba

(6) No FBI telephone calls are to be placed through GSA telephone operators except those switchboards where GSA operators cannot access or monitor the call after it is placed.

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EFFECTIVE: 09/21/93

| 16-9.4.2 | Deleted |

EFFECTIVE: 09/21/93

16-9.4.3 FTS Billing

(1) Each FTS call made from a field headquarters and from each resident agency 24 hours a day, seven days a week will be billed on a time- and distance-sensitive, per-minute basis.

(2) All field office and resident agency FTS service and GSA-provided local service are billed directly to FBIHQ by GSA.

EFFECTIVE: 09/21/93

16-9.4.4 Requests for FTS Lines

(1) In field offices:

(a) All field offices are equipped with FTS service. If there are indications that additional FTS lines are required, call FBIHQ, Operations Management Section, and a traffic study will be implemented to determine the appropriate number of FTS lines to be installed.

(2) In resident agency:

(a) FTS service may be installed in all resident agencies. If there are indications that additional FTS lines are required, call FBIHQ, Operations Management Section, and a traffic study will be implemented to determine the appropriate number of FTS lines to be installed.

(b) If the resident agency does not have FTS

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service, a request should be submitted to FBIHQ, Operations Management Section, showing the number of personnel assigned to the resident agency along with all commercial telephone numbers in the office and the purpose of each line.

(c) Deleted

EFFECTIVE: 09/21/93

16-9.4.5 FTS Calls to FBIHQ

Each field office using the FTS lines on its switchboard can direct dial any telephone station at FBIHQ without going through the FBIHQ switchboard operator. This is accomplished by dialing [REDACTED] plus the desired four-digit extension number. The FBIHQ supervisor receiving the FTS call has the capability of transferring all incoming calls to other extensions. ba

EFFECTIVE: 09/21/93

16-9.5 Wide Area Telecommunications Service (WATS)

WATS may be used only for calls of an official nature and authority required for its use is the same as that required for making long-distance telephone calls via toll facilities.

EFFECTIVE: 10/27/81

16-9.6 Foreign Exchange (FX) Trunk

FX service is a trunk facility between a PBX or Centrex system and a central office which is outside the local service area of the PBX or Centrex system. Such facilities provide the equivalent of local service to and/or from the distant exchange. FX lines must be authorized by FBIHQ.

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EFFECTIVE: 01/31/78

16-9.7 Off-Premise Extension (OPX)

An extension off the switchboard to a remote off-premise location. OPX must be authorized by FBIHQ.

EFFECTIVE: 01/31/78

16-9.8 Tie Lines

Tie line is a private line communication channel of the type provided by communications common carriers for linking two or more switching points together. Tie lines must be authorized by FBIHQ.

EFFECTIVE: 01/31/78

16-9.9 Local Telephone Systems

EFFECTIVE: 01/31/78

16-9.9.1 Policy

In addition to the general telephone policy outlined in MIOG, Part II, 16-9.1 above, the following pertain to local telephone systems:

(1) Deleted

(2) When commercial long-distance (toll) facilities must be used, calls should normally be made station to station, directly dialed.

(3) Telephones in resident agencies are for the exclusive use of Resident Agents and should be private lines not connected with other offices or building switchboards. Tie lines with switchboards may be maintained in addition to private lines if approved by FBIHQ.

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EFFECTIVE: 09/21/93

16-9.9.2 Listing of Telephone Numbers in Directories

(1) Field headquarters listings are to be "Federal Bureau of Investigation." (For city, business, building directories, and inscriptions on doors, the listing should be "Federal Bureau of Investigation, United States Department of Justice.") Listing should appear alphabetically under the Fs in the U.S. Government section of the telephone directory.

(2) Resident agencies listings should be included in the U.S. Government section, if available, and in those cases where there is no U.S. Government section, the listings should be included in alphabetical order in the white pages. (See MAOP, Part II, 1-3.9.)

(a) All resident agency locations should be equipped with a telephone answering recorder or voice mail system. This equipment can then be activated to advise the caller to call the field office number in an emergency situation when the resident agency is unmanned.

(b) In no instances shall the residence telephone number or address of an Agent be listed as an alternate or emergency number for the resident agency.

(3) For locations where there is no field office or resident agency, no telephone directory listing is required.

There is no objection to listing the field office telephone number in the alphabetical section of the directories, provided there is no charge for the listing.

(4) It is not required that SACs have their home telephone numbers listed in the telephone directory.

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16-9.9.3 Annual Telecommunications Equipment Reports (FD-344)

Each April compile Annual Telecommunications Equipment and Cost Report, using Forms FD-344 and 344a. Mail report, in duplicate, to reach FBIHQ no later than middle of May. If major changes are made in telephone system between regular annual submissions of this report, FBIHQ records should be brought up to date with submission of pertinent changes to last report submitted.

EFFECTIVE: 01/31/78

16-9.9.4 Billing

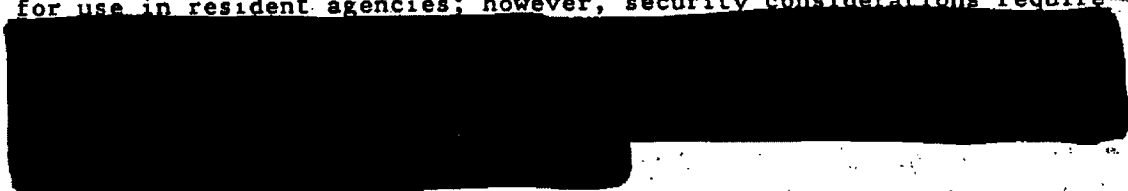
Field headquarters' bills should be checked against the Station Message Detail Recording (SMDR), if available, before they are approved for payment. Likewise, toll calls for a resident agency should be certified as to correctness by the Senior Resident Agent before the bills are processed for payment.

EFFECTIVE: 09/21/93

16-9.10 Telephone Answering Devices (See MIOG, Part II, 16-9.9.2; MAOP, Part II, 1-3.9 (3).)

Telephone answering devices provide the caller with a prerecorded announcement identifying the called party and inviting the caller to leave a message. The message(s) can be extracted upon return to the office or accessed remotely from any other telephone by use of a uniquely coded remote access keyer.

(1) Telephone answering devices will be most applicable for use in resident agencies; however, security considerations require



(2) Requests for telephone answering devices should be

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submitted to FBIHQ with detailed justification.

EFFECTIVE: 09/21/93

16-9.11 Use of FBIHQ Telephones

EFFECTIVE: 07/23/90

16-9.11.1 Computer Record of Calls Made

Each user should be aware that all calls placed from FBIHQ, Washington, D.C. and some field offices on either the commercial or FTS networks are automatically billed to the user's station. This billing information, which is computer controlled, prints out identifying data similar to that which appears on each individual's home telephone toll bill. In addition, the printout will show the time the call was placed and the length of the call. At FBIHQ, the resulting billing information will be furnished to each division for verification and control. Each field office with SMDR should furnish the resulting billing information to each squad supervisor for verification and control. All FTS and FTS/WATS calls are charged to the Bureau on a per-minute, time- and distance-sensitive rate, 24 hours a day, seven days a week.

EFFECTIVE: 09/21/93

16-9.11.2 Local Calls

Local calls may be placed after dialing "9" to access an outside line.

EFFECTIVE: 07/23/90

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16-9.11.3 FTS Calls

Individuals who have unrestricted telephones are able to direct dial field offices and other Government telephones on the FTS network. This is accomplished by dialing the FTS access number, usually "8" followed by the FTS ten-digit telephone number. The FTS telephone number for each field office is included on the Field Office Mailing List.

EFFECTIVE: 09/21/93

16-9.11.4 WATS Calls

All long-distance commercial and residential telephone numbers within continental United States may be direct dialed through the FTS network (FTS-WATS) by dialing the FTS access code, usually "8", followed by the ten-digit commercial telephone number. These calls are charged as FTS rather than as commercial toll calls.

EFFECTIVE: 09/21/93

16-9.11.5 Deleted

EFFECTIVE: 05/24/94

16-9.11.6 FBIHQ Office Reorganization/Expansion

(1) When an office is to be reorganized, expanded or moved, a written request must be furnished to the Information Resources Division. The request must be received at least ten working days prior to actual date service is required to allow ample time for surveys, order preparation, and scheduling of telephone company technicians.

(2) If the telephone work requires the movement or

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installation of telephone outlets in the floors or ductwork, then prior separate arrangements must be made with the Facilities Management Unit, Personnel Division, to ensure that the outlets are installed prior to the requested telephone service date.

(3) If the telephone work involves the installation of new furniture, then the written request should be received at least 20 working days in advance of the installation date. Floor plans should accompany the memorandum to assist telephone company personnel in moving telephone cables.

(4) Moves to off-site locations require at least 30 working days' advance notice due to the additional requirements to purchase equipment and engineer circuits.

EFFECTIVE: 04/21/94

16-9.11.7 Quarterly Telephone Reports

Offices equipped with SMDR must submit a quarterly printout of ALL outgoing calls made from the field headquarters for the periods January-March, April-June, July-September, and October-December. The printouts are to reach FBIHQ, Attention: Operations Management Section, by April 10, July 10, October 10, and January 10, respectively, for the appropriate quarter.

EFFECTIVE: 09/21/93

16-10 COMPUTER ASSISTANCE TO THE FIELD (See MIOG, Part II, 10-4.)

In any investigation within FBI jurisdiction, experienced Automated Data Processing (ADP) personnel assigned to the Investigative Automation Support Section, Information Resources Division, are available, where warranted to:

(1) Provide on-site assistance in the examination of records maintained on data processing equipment, including but not

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limited to, execution of search warrants.

(2) Supervise on-site preparation of listings or reports from automated records, including but not limited to, execution of search warrants.

(3) Arrange for the processing of automated (machine readable) files and large quantities (in excess of 1,000) of nonautomated records. Examples of nonautomated records are checks, deposit slips, bank statements, payroll records, other financial documents, telephone toll records and bills.

(a) Types of work previously requested have been sequencing, selecting, comparing, preparing accounting schedules, and/or mathematical computations.

(b) Some examples of schemes where processing of records have been beneficial are floats, kiting, lapping, skimming, padding of payrolls, double billing, land fraud and welfare fraud.

(4) Implement the Investigative Support Information System (ISIS) to support major FBI investigations. There are two versions of ISIS: 1. Online - where computer terminals are installed at the field office for instantaneous data loading and retrieval, and 2. Offline - where data encoded at the field office is sent to FBIHQ for processing and a hardcopy listing returned to the field. The version of ISIS used to support an investigation is dependent upon the requirements of the case and the availability of ISIS resources. ISIS provides the ability to control, access and correlate all information that is generated by major investigations. ISIS has proven beneficial for file review prior to interviews, determining pending leads, writing reports and preparing for trial proceedings, in addition to investigative purposes.

(5) Implement ISIS reactive capability for immediate support of a major case(s). ISIS has the ability to be operational online at the site of the major case within forty-eight hours of the decision to support the case. The ISIS reactive capability is utilized at the request of the Director and/or Deputy Director and the Assistant Director - Criminal Investigative Division.

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16-10.1 Requests for Computer Assistance

All requests for computer assistance should be in a written communication addressed to the Director, FBI, Attention: Investigative Automation Support Section and should:

(1) Include in the title of the case: the field office and Bureau file numbers, if known, as well as the phrase "Request for Computer Assistance."

(2) Furnish any pertinent background data.

(3) Set forth the specific type of computer assistance being requested, along with an estimate of the volume of source material. A rough sketch of the desired output (computer printouts) should be enclosed showing what data fields are required and in what order or sequence they are needed. Totals required should be identified to include when needed (end of month, end of year, etc.) and where they should be printed.

(4) Set forth the approximate cost to accomplish the task manually. This should include the number of personnel required and the amount of time to complete the task.

(5) List any deadline data and the reason(s) for the deadline.

(6) Enclose typical samples (originals or legible copies) of the source material. (Note: Do not send all the source material until requested to do so by the Investigative Automation Support Section.)

(7) Indicate whether the source material will be used as evidence in court and whether any markings can be made on the material. It is often desirable to write on or stamp a number on the material to facilitate data entry processing.

(8) Advise how the material was obtained (Grand Jury subpoena, search warrant, etc.) and if there are any objections by the United States Attorney's office to the subcontracting of data entry aspect of this request.

(9) Indicate if it is anticipated that the requested computer printouts will be introduced into court and if there is a possibility that Investigative Automation Support Section personnel will be called upon to testify.

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EFFECTIVE: 06/01/94

| 16-10.2 | Investigative Automation Support | Section Actions
Regarding Request

EFFECTIVE: 06/01/94

16-10.2.1 Approval of Request

The following factors are considered prior to approval of
a request for computer assistance:

- (1) Priority of the case - investigation
- (2) Deadline required
- (3) Computerization costs versus manual costs
- (4) Complexity and volume
- (5) All online ISIS requests must be approved by the
Assistant Director and Deputy Assistant Director(s), Criminal
Investigative Division.

EFFECTIVE: 05/08/81

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16-10.2.2 Completed Product

After a request has been approved, the results of the computer assistance will usually be furnished on printouts which will all be printed in upper case (capital) letters. These printouts can be prepared:

- (1) In multiple copies where requested and necessary.
- (2) On paper eight and one half inches in length and eleven inches in width or on paper eleven inches in length and from ten to sixteen inches in width.

EFFECTIVE: 05/08/81

16-11 WORD PROCESSING COORDINATION

Word Processing (WP) has been defined as the manipulation of textual material through the use of a keyboarding device capable of controlled storage, retrieval and automated typing. However, within the FBI implementation of the WP concept means production of typewritten documents and communications more efficiently through the use of systematic procedures, automated office equipment/communications devices and skilled personnel. Equipment used in the implementation of this concept include:

- (1) Dictation/Transcription Equipment
- (2) Standalone, nonvisual display and/or visual display text-editing machines with a printing device for each machine
- (3) Shared-Logic text-editing systems comprised of keyboard visual display units which share a controller and printing device
- (4) Shared Resource (distributed/clustered) text-editing systems comprised of both standalone and shared-logic capabilities and communications interface

EFFECTIVE: 05/08/81

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16-11.1 Requests For Word Processing Equipment

All requests for WP equipment are considered according to WP equipment standards set forth in Federal Property Management Regulations (FPMRs), Federal Procurement Regulations (FPRs), and Department of Justice (DOJ) Orders. Processing of WP equipment requests is as follows:

(1) The Assistant Director of the Information Resources Division (IRD) has been assigned responsibility for reviewing the merits and approval/disapproval of all WP equipment requests.

(2) All requests for WP equipment are to be forwarded by appropriate communication, addressed to the Director, FBI, Attention: Information Resources Division.

EFFECTIVE: 06/01/94

16-11.1.1 Dictation/Transcription Equipment

When reviewing requests for dictation/transcription (D/T) equipment, the following equipment vs. manpower parameters will normally be used:

(1) 1 - Portable or desk-top dictation machine for every five headquarters (HQ) city Agents

(2) 1 - Desk-top transcriber for each employee assigned to a WP center, excluding supervisors

(3) 1 - Portable dictation machine for Investigative Assistants and/or Agents primarily assigned to "record check" duties

(4) 1 - Portable dictation machine for each Agent in resident agencies where no secretary is available and five or less Agents are assigned

(5) 1 - Portable dictation machine for every two Agents and a desk-top dictation machine for every five Agents assigned to resident agencies having a complement of five or more Agents

(6) 1 - Combination D/T machine for use of the Senior Resident Agent and the secretary/stenographer in those resident

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agencies where secretarial/stenographic assistance is available

(7) Telephone dictation capability (if available in HQ city) for use by resident agencies in dictating expedite, nonsensitive airtels and teletypes

EFFECTIVE: 07/23/90

16-11.1.2 Text-Editing Equipment

When reviewing requests for text-editing equipment, the following criteria will normally be used:

(1) Combined Clerk-Stenographer, Secretary, Clerk-Typist and/or Clerk Dictation Machine Transcriber personnel allocation of the requesting field office/division

(2) The average hourly typing production rates determined during WP Studies at two representative field offices and FBIHQ for the typing personnel identified in (1), directly above.

(3) Economic justification of WP text-editing equipment, normally requires its utilization to a minimum of 80% of its available time (1,400 hours per year, 250 available days/year x 7-hour work shift = 1,750 hours x .80 = 1400 hours), and its utilization for the processing of appropriate WP applications.

(a) The studies indicate that an appropriate WP application is where 20% or more of all lines typed are repetitive in nature, i.e., that portion of a revision which is unchanged during a revision cycle.

(b) Special applications within a specific office will be considered on a case-by-case basis.

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16-11.1.3 Equipment/Vendor Selection

All decisions as to equipment/vendor selection for WP equipment will be made at FBIHQ based on standards set forth in FPMRs, FPRs, DOJ Orders, and mandatory and desirable functional requirements. Basic selection criteria has been derived from Federal Supply Schedule contracts and WP equipment evaluations derived from the WP studies of two representative field offices in an effort to ensure procurement of appropriate equipment.

EFFECTIVE: 11/12/80

16-11.2 Allocation of Text-Editing Equipment

(1) In allocating text-editing equipment to field offices/divisions, primary consideration will be given to ensuring 80% utilization of the text-editing equipment during its available time (See 16-11.1.2). It is suggested that allocated equipment be assigned to areas where dedicated typing personnel can use any available piece of text-editing equipment.

(2) Results of previously mentioned field office WP studies have shown that Secretarial personnel type only 15% of the time. For this reason, secretaries are not good candidates for assigning text-editing equipment.

EFFECTIVE: 11/12/80

16-11.3 Word Processing (WP) Equipment Inventory Matters

(1) All WP equipment must be inventoried according to provisions set forth in the FBI's "Accountable Property Manual."

(2) Any problems arising with the WP equipment inventory should be referred to Information Resources Division (IRD). IRD will work with the Property Accounting Systems Unit in resolving WP equipment inventory problems.

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- Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

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EFFECTIVE: 02/16/89

16-14 REVIEW OF LONG DISTANCE TELEPHONE TOLL CALL RECORDS
(INVESTIGATIVE TECHNIQUE)

For information concerning this matter see MIOG, Part II,
Section 10 (Investigative Techniques).

EFFECTIVE: 02/16/89

16-15 NATIONAL LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM, INC.
(NLETS) (See MIOG, Part II, 16-16 and MAOP, Part II,
7-5.2.)

(1) NLETS is the only national telecommunications network which provides Federal, state, and local law enforcement with the capability to exchange free-form criminal justice and criminal justice-related information interstate. It provides the capability to access most out-of-state vehicle registration and driver's license records automatically. Most field offices have access to NLETS via state or metropolitan area control terminals used to access the National Crime Information Center and/or state and local information systems.

(2) NLETS enhances the effectiveness of the FBI's investigative activities. In most instances NLETS makes it unnecessary for field offices to use the intra-FBI communications process to handle "one shot" leads such as a vehicle registration request. Without NLETS the requesting field office would have to prepare and transmit a teletype, airtel, or letter to the field office covering the territory of the source agency, such as the Department of Motor Vehicles (DMV) in another state. The receiving office would then open and assign a case, and the case Agent would have to cover the auxiliary lead and prepare and send written response to the requesting office. Use of NLETS for routine DMV and driver's license checks will produce a cost savings resulting from the reduction in paperwork. Additionally, the speed of direct communications will provide instantaneous results and an investigative time savings will also be realized.

(3) You should be aware that NLETS does not have any telecommunications security capability and care must be taken to limit

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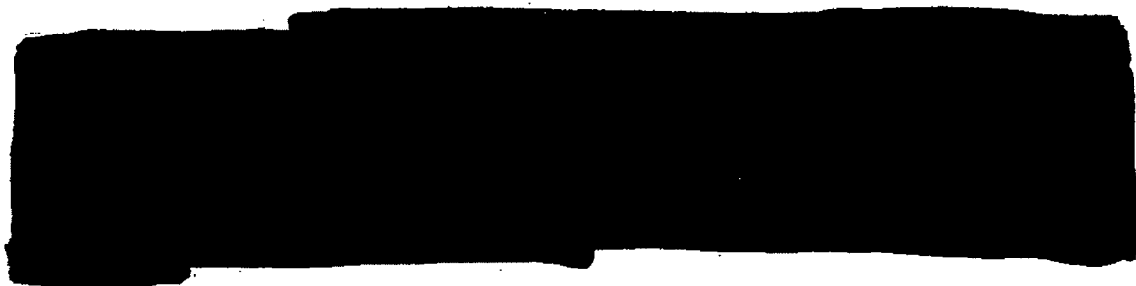
use of NLETS to the acquisition and dissemination of nonsensitive information. The following guidelines are set forth regarding the use of NLETS by the FBI:

(a) NLETS should be used to obtain nonsensitive record information from state and local law enforcement, license, and service agencies.

(b) NLETS may be used to transmit administrative messages (travel plans, weather advisories, etc.) between field offices and state and local law enforcement agencies.

(c) When appropriate, NLETS may be used by field offices to transmit APB-type general descriptive information to all law enforcement agencies in specific geographic areas.

(d) NLETS may not be used to transmit FBI investigative information extracted from the Central Records System to other Federal, state, or local law enforcement agencies or between FBI field offices. NLETS may be used to advise the requestor that the desired information will be provided by the specific field office, covering the requestor's territory and the requested information should be transmitted to that field office via SAMNET, facsimile, or registered mail.



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16-16 NATIONAL CRIME INFORMATION CENTER (NCIC) | (See MIOG, Part I, 79-1.2 and MAOP, Part II, 7-5.2.) |

Those field offices needing assistance or making special requests should contact the Criminal Justice Information Services Division, Programs Support Section at FBIHQ. Programs Support Section at FBIHQ may be contacted via the National Law Enforcement Telecommunications System, Inc. (NLETS), using the identifier DCFBIWAT8. (See Section 16-15 above.)

EFFECTIVE: 08/18/94

16-16.1 Off-Line Search | (See MAOP, Part II, 7-5.1.) |

An off-line search (inquiry) is a special query of the NCIC computer for information which cannot be obtained through the use of an on-line inquiry. An off-line search of NCIC data may be conducted and/or coordinated only by the Criminal Justice Information Services Division, Programs Support Section at FBIHQ at the request of the case Agent or field supervisor. For more details, see the NCIC pamphlet, "NCIC Off-Line Search."

EFFECTIVE: 08/18/94

16-16.2 Canadian Police Information Centre (CPIC) System (See MAOP, Part II, 7-5.3.)

The CPIC System may be accessed through NLETS. Refer to your State Operating Manual for guidelines to access this database.

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16-16.3. Missing Person Reports

(1) The signing of the Missing Children Act (MCA) on October 12, 1982, requires policy changes in the Bureau's handling of missing person reports received. The Act requires the Attorney General to "acquire, collect and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, legal guardian, or next of kin)." Therefore, a parent, legal guardian, or next of kin of a missing child has the legal right to inquire of the FBI whether data on the missing child has been entered in the NCIC Missing Person File. When a field office receives one of these requests, a determination should be made verifying that the requestor is the parent, legal guardian, or next of kin by means of any form of identification data. Thereafter, an NCIC Missing Person File inquiry should be made to determine the existence of a record.

(2) In the rare case where (1) a record has not been entered because the local authorities refused to enter, and (2) the parent, legal guardian, or next of kin requests the FBI to enter the record, follow the procedures below. (Use Forms FD-626 and FD-630. These forms should be placed in the 79-0 administrative control file after NCIC entry has been made by the field office. These forms are intended for field office use and should not be forwarded to FBIHQ.)

(a) Explain to the requestor that the FBI only enters data on individuals into the file in rare cases where the local police refuse to enter the data on the individual.

(b) Ascertain if there has been an unambiguous refusal by the local authorities to enter the record into NCIC and specifically who at the local department refused to make such entry.

(c) Inquire of the requestor if a missing person report is on file with a police agency and, if so, secure a copy of same. If possible, have the requestor bring such a copy with him/her.

(d) If at all feasible, insist that the parent, legal guardian, or next of kin come to the field office (including resident agencies, if applicable) to make the report. Verify the identity of the requestor.

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(e) Explain to the requestor that the FBI does not have authority or jurisdiction to investigate missing person cases unless there has been a violation of Federal law falling within our jurisdiction, e.g., the Federal kidnaping statute.

(f) Advise the requestor of the extreme importance of notifying the FBI promptly when the child returns.

(g) Indicate to the requestor that his/her name and telephone number will be contained within the text of the message and that he/she may be called directly if the child is located.

(h) The field office will telephonically confirm the refusal of the local agency to enter the record and whether or not there are extenuating circumstances of which the FBI should be aware. Additionally, if the refusing police agency has a "time delay entry" rule, the FBI should proceed to enter the record and coordinate the removal of such record with the police agency when they enter their record.

(i) After good faith satisfaction of the above, the field office will enter the missing person record. If such extenuating circumstances exist, advise the parent, legal guardian, or next of kin that no entry is being made.

(3) After an NCIC entry is made, the following validation procedures should be followed:

(a) A written communication should be sent to the local authorities confirming that agency's stated refusal to enter the record, the FBI entry of the record, and the necessity of being immediately notified when the individual returns.

(b) A copy of the above communication should be sent to the parent, legal guardian, or next of kin reiterating the extreme importance and necessity for the FBI being promptly advised of the individual's return.

(c) Set a tickler to contact the parent, legal guardian, or next of kin on the third working day following the date of entry, again at the end of two weeks, four weeks, and then once a month until the individual has been located. If, after two consecutive attempts, the FBI cannot, despite reasonable efforts, locate a person or agency able to verify the currency of the record, the record should be removed from the NCIC File and the requesting parent, legal guardian, or next of kin who requested entry should be

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notified by registered mail.

(4) The NCIC Operating Manual, Part 8, contains the necessary information to enter a missing person record. In addition to this information, the following should also be included in the Miscellaneous Field of the record: the parent's, legal guardian's, or next of kin's name, address, and telephone number. If the local or state law enforcement agency has a pending case, enter the agency's name and case number, if available, following the parent, legal guardian, or next of kin information. This information may have to be abbreviated since the Miscellaneous Field is limited to 121 characters. Any other pertinent information may follow if space is available.

(5) The Act does not confer upon the FBI any new investigative jurisdiction. A positive response to an inquiry should not be interpreted as constituting FBI authorization for detention of the individual described in the record. The FBI is not responsible for effectuating the return of the individual to the parent, legal guardian, or next of kin. Inquiring agencies should be informed clearly of these facts.

(6) Upon receipt of a hit confirmation request, the field office (being the originating agency (ORI) of the record) must within ten minutes furnish a substantive response, i.e., a positive or negative confirmation or notice of the specific amount of time necessary to confirm or reject.

(7) The field office must make a reasonable attempt to notify the investigating agency and/or the parent, legal guardian, or next of kin of the missing child of the inquiry on the missing person record. If unsuccessful, notify the agency which is seeking hit confirmation that all reasonable efforts have been exhausted and that the information in the record is the best available information at hand. If successful in contacting the parent, legal guardian, or next of kin, advise them of the individual's location and the inquiring agency's location. Advise them to immediately contact the inquiring agency. After contacting all parties concerned, immediately clear your record from the file.

(8) When the subject of a juvenile record becomes emancipated, the record is retained indefinitely in NCIC until action is taken to remove the record.

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EFFECTIVE: 05/11/87

16-16.4 Unidentified Person File

The Missing Children Act of 1982 also resulted in the implementation of the NCIC Unidentified Person File. This file contains records for unidentified deceased persons (including victims of a catastrophe), body parts that have been recovered, and unidentified living persons who are unable to ascertain their identities (such as amnesia victims and small children or infants).

The Unidentified Person File operates in conjunction with the Missing Person File. Specifically, records from one file are searched with those in the other file. Personal identifiers can be entered in both files, which are used to compare an unidentified person record with missing person records and vice versa. For complete details on the Unidentified Person File, refer to the NCIC Operating Manual, Part 12.

EFFECTIVE: 07/28/87

16-16.5 Foreign Fugitives

The NCIC Foreign Fugitive File operates for the purpose of locating foreign fugitives. Records for fugitives wanted in Canada are entered by Royal Canadian Mounted Police Headquarters in Ottawa and include individuals wanted in Canada based on Canada-wide warrants. Records for fugitives wanted by other foreign countries are entered by the U.S. National Central Bureau (USNCB), the point of contact for the International Criminal Police Organization (INTERPOL), based on information received on the Red Notices (wanted notices) issued by INTERPOL member countries. All record entries are made in accordance with established entry criteria. Refer to Part 9 of the NCIC Operating Manual for details on inquiries and procedures on handling positive responses.

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16-16.6 U.S. Secret Service (USSS) Protective File

This NCIC File lists records of individuals who may pose a threat to a USSS protectee. All records are entered and maintained by the USSS. Refer to Part 11 of the NCIC Operating Manual for details.

EFFECTIVE: 07/28/87

16-16.7 Bureau of Alcohol, Tobacco and Firearms (ATF) Violent Felon File (See MAOP, Part II, 7-2.10.)

The ATF Violent Felon File contains records on individuals who have had three or more previous convictions for a violent felony or serious drug offense. These persons, if found in possession of a firearm, are in violation of Title 18, USC, Section 924 (e) (1), which provides a fine of not more than \$25,000 and imprisonment of not less than 15 years with no suspension, parole, or probation. All records are entered and maintained by the ATF. Refer to NCIC Technical and Operational Updates 91-4 and 92-1 for details.

EFFECTIVE: 08/18/94

16-16.8 Deported Felon File (See MAOP, Part II, 7-2.10.)

The Deported Felon File contains records on criminal aliens who have been deported for drug trafficking, firearms trafficking, and serious violent crimes in the event they might reenter the United States without permission. These criminal aliens who have been deported and reenter the United States without permission are in violation of Title 8, USC, Section 1326, which carries a fine of up to \$250,000 and incarceration of up to 20 years. All records are entered and maintained by the Immigration and Naturalization Service. Refer to NCIC Technical and Operational Update 95-3 for details.

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EFFECTIVE: 05/13/96

16-16.9 Violent Gang and Terrorist Organization File (VGTOF)
(See also MAOP, Part II, 7-5.8.)

The VGTOF is designed to provide identifying information about violent criminal gangs and members of those gangs and terrorist organizations and members of those organizations to law enforcement personnel. The information serves to warn law enforcement officers of the potential danger posed by violent individuals and promotes the exchange of information about these organizations and members to facilitate criminal investigations. Refer to NCIC Technical and Operational Updates 94-2 and 95-2 for details.

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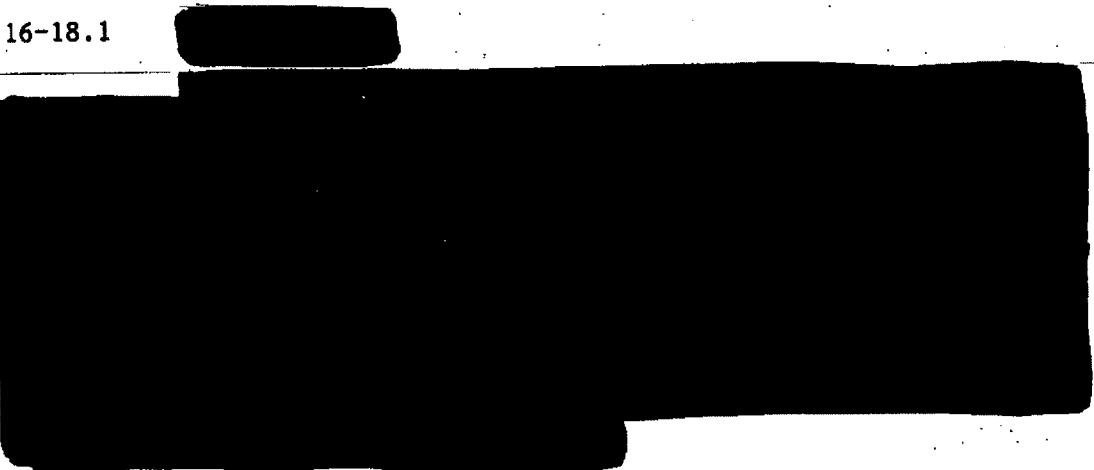
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EFFECTIVE: 11/24/97

16-18 FBI MICROCOMPUTER POLICY

EFFECTIVE: 02/16/89

16-18.1



EFFECTIVE: 07/14/95

16-18.2 Purpose and Objectives of Policy

(1) The purpose of this policy is to establish appropriate internal practices and procedures to ensure the proper management and use of microcomputers and the accuracy of microcomputer-processed information. A microcomputer, as defined for this policy, is any computer including the standard terminals, intelligent workstations, and all similar machines from any manufacturer that provides local processing for an end-user. Implementing control procedures unique to microcomputers should reduce the risk of illegal system access, data loss and stolen or unauthorized use of hardware and software.

(2) The objective of this policy is to ensure that the management and use of microcomputer resources in the FBI are in compliance with regulations relevant to automation and information

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management.

EFFECTIVE: 03/23/92

16-18.3 Scope and Applicability

This policy applies to:

(1) All elements of the FBI which process, store, or produce information on any microcomputer, including word processors with local storage or memory,

(2) Microcomputers connected to FBI or public telecommunications networks, and

(3) Microcomputers used in standalone mode.

EFFECTIVE: 03/23/92

16-18.4 Responsibilities

(1) The Operations Management Section (OMS), Information Resources Division (IRD), shall:

(a) Provide hardware and software operational guidance and problem resolution;

(b) Maintain authorized software listings and act as an information clearinghouse for users;

(c) Maintain a library of applications for dissemination to Computer Specialists requesting assistance in a particular area;

(d) Communicate noteworthy developments and activities to users;

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(f) Assist in the development, maintenance and dissemination of microcomputer principles, standards and guidelines;

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(h) Provide guidance on applicable federal, departmental and FBI information resource management laws, policies, principles, standards and guidelines;

(i) Provide Computer Specialists guidance in determining the feasibility of using either a microcomputer application or a mainframe application for effective implementation of automated technology throughout the FBI;

(j) Coordinate procurement and delivery of hardware and software;

(k) Coordinate all routine microcomputer maintenance activities, including routine requests for maintenance and maintenance contracts for seized and forfeited microcomputers;

(l) Deleted

(m) Provide ADPT Service Support Center operations to handle all associated issues, problems and questions.

(2) The Assistant Directors (ADs) of each FBI Headquarters division and the Special Agents in Charge (SACs) of each field office must ensure effective, efficient and economical management and allocation of microcomputers as well as enforcement of microcomputer policy, principles, standards and guidelines prescribed by the Director.

(3) Each FBI division, through the Computer Specialist, shall:

(a) Systematically maintain a current on-site listing, in accordance with FBI inventory guidance, of its microcomputer hardware, software, and administrative or investigative data bases; (See MIOG, Part I, 190-2.3(3).)

(b) Provide hardware and software operation guidance and problem resolution to end-users;

(c) Communicate noteworthy developments and activities to end-users;

(d) Develop contingency plans (including emergency response, backup operations and recovery) that are consistent with IRD

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ADPT facility contingency plans to ensure continued operation of essential functions within the division in the event that data processing support is interrupted;

(e) Maintain and disseminate to end-users microcomputer policy, principles, standards and guidelines provided by IRD;

(f) Perform preventive maintenance as necessary on Information Technology microcomputer equipment.

(4) End-users must ensure that:

(a) All microcomputer data files are accurate, complete and reliable;

(b) All microcomputer data files are secured consistent with central records system procedures;

(c) Planned backup and recovery procedures are executed; and,

(d) All other applicable rules, regulations, policies and procedures are followed.

(e) Perform preventive maintenance as necessary on Information Technology microcomputer equipment (cleaning).

(5) The Property Procurement and Management Section of the Finance Division shall submit annual inventory reports of microcomputer hardware to each Computer Specialist so that these inventories can be verified. (See MIOG, Part II, 16-18.9.)

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EFFECTIVE: 03/23/92

16-18.6 Information Management

EFFECTIVE: 03/23/92

16-18.6.1 Source of Data

Any information subject to the provisions of the Privacy Act that is processed by or stored in microcomputers must be traceable to documents serialized in Bureau files (the FBI's Central Records System) or in other established FBI systems of records.

EFFECTIVE: 03/23/92

||16-18.6.2| Access Controls

| Access to automated records|is|restricted|to|a
| need-to-know basis|consistent with existing controls afforded
| counterpart manual records.|

EFFECTIVE: 02/16/89

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16-18.6.3 Retention/Destruction of Electronic Information

(1) At the conclusion of an investigation, the data need not be retained in electronic format. However, if paper output from the data base was required by the substantive supervisor or the prosecuting attorney, or was introduced as evidence in a courtroom, that output must be serialized in the FBI file and the data in electronic format must be retained.

(2) Electronic media to be retained must be stored as a serial, 1A or 1B exhibit. The media must be labeled with the following information in the "Content" and "Comments" sections of the Data Descriptor Label (SF-711):

(a) Description of the microcomputer being used (e.g., standard terminal, intelligent workstation, etc.);

(b) Identity of the operating system (e.g., CTOS, BTOS, MS-DOS, OS2, etc.) and its release number;

(c) Application and release used to create the original data base (e.g., RBase, Multiplan, Lotus 123, etc.); and

(d) Archived data base name and, where applicable, password.

EFFECTIVE: 02/16/89

16-18.7 Requests for Microcomputer Resources

Generally, FBI Headquarters will acquire microcomputers and related resources, including software, peripheral devices, initial training and maintenance contracts, through large-volume procurements as a cost containment measure. Priority of need will dictate microcomputer distribution to field offices by FBI Headquarters and the application of microcomputer resources within each field division. Microcomputers used as part of a "front" operation of undercover or special operations activities will be approved by either the Criminal Investigative Division or National Security Division with procurement assistance and funding provided by IRD.

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| 16-18.8 | Security - See MIOG, Part II, Section 35. |

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EFFECTIVE: 07/26/95

16-18.9 Reporting Requirements (See MIOG, Part II, 16-18.4(5) and 35-9.4.7.)

(1) Computer Specialists (CS) in conjunction with the Supply Technician will maintain current inventories of hardware on the FBI's Property Management System. On an annual basis, the Property Procurement and Management Section of the Finance Division will submit an inventory of microcomputer hardware to each CS for verification. Any discrepancies in the report must be rectified immediately. Inventory information will include the following:

- (a) Hardware:
 - Division
 - Equipment type
 - Equipment profile (for example, Model Number)
 - Hard disk type
 - Floppy disk type
 - Monitor type, including TEMPEST/non-TEMPEST designation
 - Location (Squad/Unit)
 - Function (e.g., rotor, squad secretary)
 - Other

(b) Deleted

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EFFECTIVE: 09/22/97

16-18.10 Automation Training Staff

(1) The Automation Training Staff, from the Service Support & Implementation Unit, SSIU, provides instructor-based training in classroom settings on PC-based applications and investigative/administrative applications to field, FBIHQ and Legat personnel. The staff administers training through the use of interactive video (IVD), computer-based training (CBT), compact disc (CD-ROM) and/or video methods.

(2) The staff researches training techniques and new technologies of data communications and microcomputers. It provides assistance and support to automation personnel in problem resolution. The staff works with applications program managers, computer clients, project teams and appropriate division personnel in the development and delivery of training.

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16-18.11 Computer Specialist Selection Process

(1) Computer Specialists conduct programming tasks to support the creation, maintenance, and analysis of information files and the communication of data in a fourth-generation distributed environment.

(2) Entrance salaries range from GS-5 through GS-13 at FBIHQ and range from GS-5 through GS-12 in a field office. Hiring may occur at FBIHQ or a field office. The basic salary is commensurate with the applicant's education and experience.

EFFECTIVE: 12/13/96

16-18.11.1 Computer Specialist Eligibility Requirements

(1) Be a United States citizen.

(2) Be a high school graduate or its equivalent and have additional education as set forth below.

(3) Pass a rigorous background investigation including drug and polygraph tests.

EFFECTIVE: 12/13/96

16-18.11.2 Computer Specialist Qualifications

(1) GS-5: Must have a Bachelor's Degree or three years of general experience, one year of which is equivalent to at least the GS-4 in the federal government. General experience is that which provided basic knowledge of data processing functions and general management principles that enabled an understanding of the stages required to automate a work process. Experience may have been gained in positions such as a computer operator or assistant, computer sales representative, program analyst, or other position that required the use or adaptation of computer programs and systems.

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(2) GS-7: Must have one full year of graduate level education of cumulative grade point average of 3.0 or higher or one year of specialized experience equivalent to at least the GS-5 in the federal government. Specialized experience is that which includes the performance of tasks such as:

(a) translating detailed logical steps developed by others into language codes;

(b) conducting user-requirements analysis and synthesizing the results into information flowcharts;

(c) troubleshooting, in particular during unscheduled halts;

(d) prioritizing processes for production efficiency; and

(e) organizing documentation for cost/benefit studies.

(3) GS-9: Must have two full years of progressively higher level graduate education or a Master's Degree or equivalent graduate degree or one year of specialized experience equivalent to at least the GS-7 in the federal government. Specialized experience is that which demonstrates knowledge of computer requirements and techniques in carrying out multitask project assignments typical of minor system modifications. Such assignments must demonstrate ability in analysis of:

(a) interfunctioning system components;

(b) planning the sequence of actions to complete the project; and

(c) leadership in at least a segment of the overall project.

(4) GS-11: Must have three years of progressively higher level graduate education or a Ph.D. or equivalent doctoral degree or one year of specialized experience equivalent to at least the GS-9 in the federal government. Specialized experience is that which demonstrates successful accomplishment of projects involving a range of requirements and techniques as well as those of computer specialty areas. In addition to those noted for the GS-9 level, assignments

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must have been involved in:

(a) planning the sequence of actions to complete the project in coordination with outside organizational units; and

(b) the development of project controls and guidelines.

(5) GS-12 and above: Must have experience that demonstrates accomplishment of major project assignments that required a wide range of knowledge of requirements and techniques. Such assignments include those involving:

(a) the analysis of a number of alternative approaches; and

(b) advising management regarding major aspects of ADP system design such as what system interrelationships, operating modes, software, and/or equipment configuration will be required or affected during project builds or enhancements.

(6) If substituting education for experience, major study must be in any of these disciplines: Computer Science, Information Science, Management Information Systems, Mathematics, Statistics, Operations Research, or Engineering, or course work that required the development or adaptation of computer programs and systems and provided knowledge equivalent to a major in the computer field.

EFFECTIVE: 12/13/96

16-18.11.3 Computer Specialist Promotions

A career path for the Computer Specialists has been established at the GS-5 through GS-13 level at FBIHQ and GS-5 through GS-12 level in the field offices. In order to qualify for the next grade level the employee must meet the following requirements:

(1) specified technical experience;

(2) specified training;

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- (3) specified performance rating;
- (4) maintain the appropriate level of working proficiency in specific applications;
- (5) have a favorable recommendation of immediate supervisor; and
- (6) approval from the Program Manager (PM) of the Computer Specialists Management Program (CSMP). The Personnel Division's Staffing Unit will not take action on a request for promotion without the approval of the PM.

EFFECTIVE: 12/13/96

16-18.11.4 Computer Specialist Career Board Selections

The PM of the CSMP must be notified of all career board selections. At the conclusion of the career board, the PM must receive all related documentation before approval will be granted.

EFFECTIVE: 12/13/96

16-18.11.5 Computer Specialist Reassignments

The PM must give approval before an employee is reassigned into or out of the CS position.

EFFECTIVE: 12/13/96

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16-18.11.6 Computer Specialist Internal/External Postings

The PM is to be notified of all internal/external postings prior to occurrence.

EFFECTIVE: 12/13/96

16-19 DATA CIRCUIT TECHNICAL SUPPORT AND TEST EQUIPMENT
MAINTENANCE POLICY

EFFECTIVE: 05/26/89

16-19.1 Technical Support Policy

(1) The communications circuits supporting the Integrated Digital Communications System (IDCS) and Secure Automated Message Network (SAMNET) systems are designed to conserve line costs, while providing reliable service. Certain field offices (FOs) have been established as SAMNET nodes or IDCS hubs and are responsible for maintaining teletype and data circuits for many other FOs, by functioning normally as unattended relay points. Other FOs, although on a smaller scale, function as relay points for the IDCS by linking resident agencies (RAs) and/or off-sites to the major hubs within the network.

(2) The Telecommunications Manager or Supervisory Electronics Technician (SET) in each FO is responsible for providing prompt technical support for these systems.

(3) Offices providing communications support for other offices must have a qualified ET available for immediate circuit restoration assistance during normal work hours.

(4) During off-duty hours, weekends and holidays, a qualified ET must be on call and available to assist with circuit restoration. On-site response should be within one hour after notification or as soon as possible considering travel conditions at the specific office.

(5) Exceptions to the above may be granted by FBIHQ on a

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case-by-case basis. Request for exceptions should be directed to
FBIHQ, Attention: Operations Management Section, Room 6421.

EFFECTIVE: 04/28/94

16-19.2 Test Equipment Maintenance Policy

(1) CMs/SETs are responsible to ensure that all test equipment associated with data circuit maintenance, assigned to their office, is in proper working order.

(2) Any test equipment that develops operational problems or is subject to routine periodic maintenance/calibration must be scheduled for maintenance/calibration promptly.

EFFECTIVE: 05/26/89

16-19.3 Response to FBIHQ Communications

(1) FBIHQ aperiodically issues communications directing maintenance procedures or data equipment/data test equipment that require technical action and/or formal response.

(2) CMs/SETs must respond promptly to any FBIHQ inquiries, directives or surveys to ensure proper maintenance of both data equipment/data test equipment and maximum usage of maintenance/repair contracts. Formal response must be provided when requested.

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SECTION 17. APPLICANT AND EMPLOYEE INVESTIGATIONS CONDUCTED
FOR OTHER GOVERNMENT AGENCIES - GENERAL INSTRUCTIONS

17-1 AUTHORITY

(1) Executive Order 10450, which was promulgated in 1953, makes appointment to positions in the Executive Branch subject to a background investigation. The Office of Personnel Management has the primary responsibility to investigate persons being employed in the competitive service and has permitted other Federal agencies with investigative resources to conduct background inquiries.

(2) Even prior to this Executive Order, however, the FBI had been conducting background investigations for other agencies as well as for itself. At present, various statutes, Executive Orders, Departmental Orders, and agreements between the Attorney General and other Federal entities provide a basis for the FBI's role in this area. If specific information is desired concerning the authority for the FBI to conduct any investigation, contact FBIHQ for detailed information.

EFFECTIVE: 12/10/91

17-2 CLASSIFICATIONS OF INVESTIGATIONS (See MIOG, Introduction, 2-2.2; Part I, 77-1.1 through 77-1.13, 77-4.3, 77-4.11, 140-3, 161-4, 161-5, 161-9; MAOP, Part II, 3-1.1, 3-1.2, 10-23; & Correspondence Guide-Field, 1-17.)

Requests for an FBI investigation are made in writing by another federal entity. These requests are assigned to a classification which, in general, corresponds to the source of the request. The following classifications are currently in use:

- Office
- (1) 73 - Background Investigation - Pardon Attorney's
 - (2) 77
 - (a) 77A - Background Investigation - Presidential Appointment with Senate

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Confirmation - Nonreimbursable

- (b) 77B - Background Investigation -
U.S. Courts - 15 Year - Reimbursable
 - (c) 77C - Background Investigation -
U.S. Courts - 10 Year - Reimbursable
 - (d) Deleted
 - (e) 77E - Background Investigation -
Department of Justice - Nonreimbursable
-
- (f) 77F - Background Investigation -
U.S. Attorney's Office (Staff) -
Reimbursable
 - (g) Deleted
 - (h) 77H - Background Investigation -
U.S. Attorney's Office (Attorney) -
Reimbursable
 - (i) 77I - Background Investigation -
Department of Justice - Reimbursable
 - (j) 77J - Background Reinvestigation -
Department of Justice - 10 Year -
Reimbursable
 - (k) 77K - Background Reinvestigation - Department of
Justice - 7 Year - Reimbursable
 - (l) 77L - Background Reinvestigation - Department of
Justice - 5 Year - Reimbursable
 - (m) 77M - Background Reinvestigation - Department of
Justice - 3 Year - Reimbursable
- (3) 116A - Department of Energy - Applicant
116B - Department of Energy - Five-Year
Reinvestigation
116C - Nuclear Regulatory Commission - Applicant
116D - Nuclear Regulatory Commission - Five-Year
Reinvestigation

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- (4) 140A - Office of Personnel Management - Referral
- 140B - Office of Personnel Management - Employees
- 140C - Office of Personnel Management - Other

- (5) 161A - Level I-Presidential Appointment
Level I-Presidential Appointment, Senate Confirmation

- 161B - Level II-Presidential Appointment, Senate Confirmation (Non-White House)

- 161C - Level III-Presidential Appointment
Level III-Presidential Appointment, Senate Confirmation

- 161D - Level I-White House Staff

- 161E - Level II-White House Staff
Level II-White House Access
Level II-National Security Council

- 161F - Level II-White House Staff
(Five-Year Reinvestigation)
Level II-White House Access
(Five-Year Reinvestigation)
Level II-National Security Council (Five-Year Reinvestigation)

- 161G - Level III-White House Staff
Level III-White House Access

- 161H - Level III-White House Staff (Five-Year Reinvestigation)
Level III-White House Access
(Five-Year Reinvestigation)

- 161I - Level III-Congressional Committee

- 161J - Level III-Congressional Committee (Five-Year Reinvestigation)

- 161K - Expanded Name Check

- 161L - Level II-Presidential Appointment
Level II-Presidential Appointment, Senate Confirmation (White House)

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- (6) 259A - Security Clearance Investigations - Classified Information Procedures Act (CIPA)
- 259B - Security Clearance Investigations - Foreign Intelligence Surveillance Act (FISA)
- 259C - Security Clearance Investigations - Joint Task Forces (JTF)
- 259D - Security Clearance Investigations - Others
- 259E - Security Clearance Investigations - Periodic Reinvestigations/Security Clearances
(See MIOG, Part I, 259-2, 259-3, 259-4, 259-6, 259-7, and 259-8.)

- (7) 260A - Industrial Security Program - Personnel Clearance
- 260E - Industrial Security Program - Personnel Clearance Reinvestigations (See MIOG, Part I, 260-1(2), 260-5.1, 260-5.2.)

Any questions involving 259 and 260 classifications should be directed to the Security Programs Manager (SPM), National Security Division.

EFFECTIVE: 01/03/97

- 17-2.1 TURK Classifications (See MIOG, Part I, 77-1.2, 77-1.3, 77-1.6, 77-1.8, 77-1.9, 77-1.10, 77-1.11, 77-1.12, 77-1.13, 77-4.3, 77-4.11; MAOP, Part II, 10-23.)

For TURK purposes, these classifications are separated into reimbursable and nonreimbursable investigations. Reimbursable matters are billed to other agencies at a predetermined rate per investigative request, and these funds provide the FBI with the resources with which to address these inquiries. Nonreimbursable matters are funded in the FBI's budget. Where it is possible to have both reimbursable and nonreimbursable requests in one classification, alpha designators have been applied. As a general rule, cases received from the Administrative Office of the U.S. Courts (77B and 77C), the Department of Energy (116A and 116B), Nuclear Regulatory Commission (116C and 116D), Department of Justice (77F, 77H, 77I, 77J, 77K, 77L and 77M), Office of Personnel Management (140B), and White House (161B) are reimbursable.

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EFFECTIVE: 12/20/96

17-2.2 Applicability of this Section's Instructions

This Section provides instructions and guidance which are applicable to all of the above classifications. Specific requirements which are unique to individual classifications are set forth in Part I of this manual under the appropriate classification.

EFFECTIVE: 12/10/91

17-3 ADMINISTRATIVE PROCEDURES

EFFECTIVE: 12/10/91

17-3.1 Initiation of Investigation

Investigative requests are received from client agencies at FBIHQ and are initiated by teletype, electronic communication, or facsimile transmission depending upon the urgency associated with the request. Personal history data and release forms as received at FBIHQ are forwarded to the field if necessary. Files at FBIHQ will be reviewed, including records of the Criminal Justice Information Services Division, and pertinent information will be forwarded to the field for investigative purposes or for inclusion in the report.

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17-3.2 Initial Interview of Applicant

An interview of applicant should be conducted at the inception of the investigation (see Part II, Section 17-5.6, of this manual, for additional instructions concerning this interview). The office covering current residence and/or employment will normally conduct the interview and should promptly set out leads for any additional investigation needed as a result of the interview. Where residence and employment are split between field divisions, FBIHQ will designate office to conduct interview in the opening communication. If a substantial delay is encountered in contacting the applicant or arranging for the interview, immediately notify FBIHQ so that an appropriate course of action can be considered.

EFFECTIVE: 02/12/92

17-3.3 Assignment of Cases

These matters must be searched, opened, and assigned immediately. Investigation is to commence immediately.

EFFECTIVE: 02/12/92

17-3.4 Indices Searches

(1) FBIHQ general and ELSUR indices are searched only against the candidate's name and the names of all close relatives. The name of the candidate and, in presidential appointment cases, the names of all close relatives (except deceased relatives) are also searched through the Criminal Law Enforcement Application (CLEA), Intelligence Information System (IIS), and National Crime Information Center (NCIC) records at FBIHQ. Circumstances may indicate necessity to also search general indices against the names of other persons, businesses or organizations with which the candidate has had contact or association (i.e., cohabitants, foreign nationals, etc.).

(2) Each field office must make a careful search, and advise FBIHQ of the results, of its general and any other specialized indices (except confidential and ELSUR), concerning the below-listed individuals/entities. (Confidential and ELSUR indices need not be searched):

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(a) Candidate - offices covering places of residence, employment, or education;

(b) Close relatives (see 17-6.9 for identification of persons who are considered close relatives) - residing in field office territory;

(c) Cohabitants - office covering current place of residence;

(d) Businesses or associations located in field office territory when candidate or appointee holds controlling interest or is an officer;

(e) Others - circumstances may indicate necessity to search names of other persons, businesses or organizations with which candidate has been identified.

(3) Any variations or additional names developed during the investigation should be checked. The search should include all names used by relatives, such as maiden name of a spouse. Advise FBIHQ and interested offices of additional names developed including the identity of any close relatives whose names were not available at the inception of the investigation. It is not necessary to search names of relatives under 15 years of age.

(4) FBIHQ should be advised of any information located which is identifiable with the candidate, listed relatives, cohabitants and business establishments. If the information is not available in files at FBIHQ, forward a copy of pertinent serials to FBIHQ.

(5) Deleted

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17-3.5 Deadlines (See MIOG, Part I, 73-10, 116-6(2), 161-5.)

(1) Each background investigation conducted by the FBI has a deadline known as a Bureau deadline or BUDED. The BUDED is the date the complete investigation must be received at FBIHQ (in the applicable FBIHQ unit). The BUDED is established by FBIHQ and cannot be changed without FBIHQ authority. The BUDED is to be set forth in each intra-Bureau communication in accordance with FBI policy, whether generated by FBIHQ or the field.

(2) BUDEDs are established principally to meet the needs of the client entity. In setting BUDEDs, FBIHQ will allocate as much time to the field to conduct these investigations as possible.

(3) BUDEDs are to be met unless the reason(s) for not doing so are beyond the control of the investigating office.

(a) If an investigating office is unable to meet to the BUDED, it is to promptly advise FBIHQ (the applicable unit) telephonically, to include the reason(s) for delay and when receipt of the complete investigation at FBIHQ is anticipated.

(b) When an investigative office does not meet its Buded, the reason(s) must clearly be set forth in the "Administrative" section of the cover page(s) of its investigative report.

EFFECTIVE: 11/18/96

17-3.6 Prior Applicant Investigation

Since investigations are frequently forwarded to field offices prior to a completion of a check of FBIHQ records, field office records may disclose a previous applicant-type investigation. If so, the following steps should be taken:

(1) If previous investigation was not conducted within the last six months, notify FBIHQ and other appropriate offices of investigation, and bring previous investigation thoroughly up to date and supplement it as necessary so that total scope will conform in all respects to current standards. Recontact persons previously interviewed who furnished derogatory information if such persons are

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in a position to furnish current pertinent information and if such inquiry is practicable.

(2) If previous investigation was made within six months preceding receipt of new request, and if it was then complete, send an immediate teletype to FBIHQ and other appropriate offices advising of prior case. Then hold investigation in abeyance until further instructions are received from FBIHQ.

EFFECTIVE: 01/25/88

17-3.7 Leads for Other Offices

(1) Set out leads for other offices immediately as they become known during investigation. Use most expeditious means of communication commensurate with economy to meet deadline.

(2) Furnish FBIHQ with a copy of all communications setting out leads.

(3) If lead is being sent to office which has not received prior communications in case, the following information at least should be included:

(a) Name, aka, and any other title information, such as zone designations in title in 116 cases

(b) Character

(c) Bureau deadline

(d) Data necessary to identify applicant such as name, date of birth, Social Security number

(e) Specific lead

(f) Brief description of any derogatory information developed

(4) When a lead is set out for another office, the originating office should include pertinent data in its report so that the investigative record will clearly establish the source from which

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the additional information emanated.

EFFECTIVE: 01/25/88

||17-3.8| Receipt of Additional Information in Closed Cases

Individuals investigated under this program will probably be serving as Government employees for some time after the investigation is complete. In some instances involving presidential appointments, delays may occur between the time an investigation is conducted and the time in which the nomination and confirmation processes are complete. In either event, it is essential that FBIHQ be informed of any information which is developed by an office after that office has closed its investigation. When such information is received, the following steps should be taken:

- (1) Recheck office indices concerning applicant for any additional information not previously reported.
- (2) Furnish information to FBIHQ without delay in letterhead memorandum or supplemental report. If case warrants, such as a presidential appointment, use teletype.
- (3) If it appears additional investigation will be involved in order to resolve allegation, advise FBIHQ by appropriate means (telephone or teletype) prior to initiating additional investigation and be guided by instructions from FBIHQ.
- (4) If there is an indication the individual is no longer employed by the Government, take steps, including setting lead to another office, to verify this fact immediately at the inception of the investigation.

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||17-3.9| Discontinuance of Investigation

(1) If information is received indicating applicant is no longer interested in Government employment, promptly notify FBIHQ and interested offices to hold investigation in abeyance. FBIHQ will contact the requesting agency to confirm this information and will advise the field regarding discontinuance. If instructed to discontinue, submit an RUC report to FBIHQ containing the results of investigation conducted to date.

(2) If significant derogatory information is received, promptly notify FBIHQ. Do not hold investigation in abeyance unless advised to do so by FBIHQ. In most instances, a client agency needs to have all results of investigation, both favorable and unfavorable, before it reaches an employment determination.

EFFECTIVE: 08/12/86

17-4 OBJECTIVES OF INVESTIGATION

The objective of these investigations is to conduct a thorough penetrating inquiry which will be useful in an assessment of an individual's suitability for Federal employment and/or for access to sensitive information. The principal areas which are addressed in accomplishing this objective are the following:

(1) Character - actions and statement which reveal a person's general attitude and possession of characteristics such as trustworthiness, reliability, and discretion or lack thereof.

(2) Associates - type of persons, businesses, groups, organizations or movements with which a person has been associated, with particular concern as to whether any of these associations have been of a disreputable or disloyal nature.

(3) Reputation - comments concerning the individual's general standing in the community.

(4) Loyalty - actions and statements revealing the person's attitude and allegiance toward the United States and its constituted form of government or indicating sympathies with any foreign government or ideology.

(5) Qualifications and ability - comments concerning an

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individual's capacity or competence (native or acquired) to perform well in an occupation or field of employment. Inquiry in this area is not necessary in all cases (see instructions under specific classifications) but may be requested by FBIHQ in specific instances. When necessary, inquiries should encompass performance in all employment experiences and relate the positions held and the duties and responsibilities associated with those positions.

(6) Among concerns which are encompassed by the above objectives are the principal suitability and security standards for Federal employment, as contained in the Federal Personnel Manual, which are set out below:

(a) Suitability

1. delinquency or misconduct in prior employment
2. criminal, dishonest, infamous, or notoriously disgraceful conduct
3. intentional false statement or deception or fraud in examination or appointment
4. habitual use of intoxicating beverages to excess
5. abuse of narcotics, drugs or other controlled substances
6. reasonable doubt of loyalty to the United States
7. refusal to furnish testimony required by civil service rules
8. statutory disqualification (e.g. conviction of certain offenses).

(b) Security

1. any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy
2. any deliberate misrepresentations, falsifications, or omission of material facts

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3. any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion
4. any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case
5. any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause the person to act contrary to the best interests of the national security
6. commission of any act of sabotage, espionage, treason, terrorism or sedition, or attempts, threat, or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, terrorism or sedition
7. establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist or revolutionist, or with an espionage or other secret agent or representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the Government of the United States or the alteration of the form of government of the United States by unconstitutional means
8. advocacy of use of force or violence to overthrow the Government of the United States, or of the alteration of the form of government of the United States by unconstitutional means
9. knowing membership, with specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or any State or subdivision thereof by unlawful means
10. intentional, unauthorized disclosure to any person of security information, or of other information, disclosure of

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which is prohibited by law, or willful violation or disregard of security regulations

11. performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States

12. refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of alleged disloyalty or other misconduct

EFFECTIVE: 08/12/86

17-5 GENERAL INSTRUCTIONS (See MIOG, Part I, 73-7, 77-1 and 77-2.)

Results are provided to other government agencies for examination and adjudication. Depending on the client being served, reports prepared in the field or memoranda summarizing investigative results prepared at FBIHQ are forwarded. If derogatory information is developed, that information is provided in its entirety along with summary memoranda sent to the White House. In situations where a presidential appointment requires Senate confirmation, reports or summary memoranda are made available for review by appropriate Senators and, in connection with matters handled for the Department of Justice, a limited number of staff personnel of the Senate Committee on the Judiciary.

(1) Investigation must be painstakingly exact, fair and unbiased.

(2) Interviews must be well planned, thorough and exhaustive and should include logical persons who are in a position to comment professionally about the applicant, such as business competitors, clients, and professional associates, and those who are in a position to furnish information as to their conduct during social and leisure activities, such as roommates and others with whom the applicant socializes on a regular basis.

(3) Purpose of interviews is to obtain information, not to dispense information. Care should be exercised to avoid any possibility of accusations of character assassination or rumor spreading.

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(4) Do not convey impression person being investigated is under suspicion or that the investigation is of a criminal or subversive nature.

(5) Advise persons interviewed that investigation is of a personnel-type background inquiry and is being conducted because the individual is under consideration for government employment, for employment by a public international organization, or for access to classified or otherwise sensitive information in which the government has an interest.

(6) The general concerns (for example, trustworthiness, reliability, discretion, good conduct, and loyalty) addressed by the suitability and security standards cited in Section 17-4(6) should be covered during all interviews. If unfavorable comments are provided, obtain specific details including whether the information is based on direct knowledge or hearsay (see also Section 17-5.1). When indications of misconduct are received, the person being interviewed should be requested to provide sufficient details to permit an evaluation of the applicant's suitability for employment or access to sensitive information. Among factors which should be addressed are the nature and seriousness of the conduct, whether the conduct has been of a recurring nature, whether there has been any attempt at rehabilitation, and what the time frame of the conduct was (i.e., recent or in the past). Where unfavorable information is developed concerning a relative or associate, the degree of actual or potential influence such persons may exercise on the applicant should be determined. This would include some indications of the frequency and nature of contacts the applicant has with that individual.

(7) Each person interviewed who is knowledgeable of the applicant will be asked if the applicant has ever been known to abuse alcohol or prescription drugs or to use, possess, purchase, sell, or distribute illegal drugs, including marijuana. Obtain specific details regarding any such activity. Record results of ALL responses to questions concerning alcohol abuse, prescription drug abuse and illegal drug use in the details of the report.

(8) Each person interviewed who is knowledgeable of the applicant will be asked questions which will elicit information as to whether or not the applicant or candidate has a lifestyle or spending habits consistent with his or her means. The purpose of these questions is to determine if the candidate is financially responsible. The general nature of the questions asked and the responses provided by the interviewee must be recorded in report of interview.

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Inconsistencies in spending versus means should be fully explored during the investigation and may require interview of the candidate and review of his or her financial records, if appropriate and with FBIHQ approval (see also Part II, Section 17-5.8 of this manual).

(9) Each person interviewed who is knowledgeable of the applicant will be asked if they are aware of anything in the applicant's background that could be used to influence, pressure, coerce, or compromise him/her in any way, or that could have an adverse impact on his/her character, judgment, stability, discretion, trustworthiness, or responsibility. The resulting FD-302/insert of all persons interviewed must also be sufficiently detailed to indicate this question was asked, clearly answered, and any identified activity or conduct was thoroughly addressed.

(10) Investigative personnel should be alert for any information disclosed during interviews of persons knowledgeable of the applicant or candidate which would indicate the candidate had applied for and was denied employment not indicated by the candidate during his or her initial interview or when required in response to questions on personnel security questionnaires.

(11) In connection with many federal positions, particularly those which can have an influence on policy and personnel decisions, the existence of bias or prejudice against any class of citizens or any religious, racial, or ethnic group, particularly the extent to which it manifests itself (for example, the degree to which judgment would be affected), is of interest and concern to employing agencies. FBIHQ will identify in opening communications those investigations wherein comments concerning possible bias or prejudice are needed. When this is done, ensure the results of interviews clearly indicate such inquiries were made. If an allegation of bias or prejudice is received concerning an individual not identified by FBIHQ as requiring this type of inquiry, conduct appropriate investigation to obtain comments to resolve the issue.

(12) Do not disclose identity of requesting agency or position involved when so instructed by FBIHQ.

(13) These investigations should not be regarded as routine. Each inquiry must receive careful analysis and diligent attention so that all pertinent and relevant information, either favorable or unfavorable, can be obtained.

(14) Details of reports should contain results of all investigative activity including, where necessary, an indication of

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why certain investigative steps could not be accomplished or what steps with negative results were undertaken. Reports setting forth investigative results should be well organized and carefully prepared and proofread since the results are intended for dissemination to other agencies. Information in the report should generally follow the order of items as they are presented under 17-6. Where an intensive investigation has been conducted and a lengthy report is prepared, provide a table of contents. The synopsis of the report should succinctly present a summary of the detailed investigation and significant facts, particularly of a derogatory nature, should be clearly presented. Do not include comments such as "one individual would not recommend" or "arrest record set forth" without including some indication of the facts associated with those comments.

(15) Interviews should be conducted in person. Telephonic interviews are not permissible unless absolutely reasonable and necessary. The determination that a telephonic interview is appropriate under the circumstances should only be made by the SAC (see also Part II, Section 7-2.2 of this manual).

(16) Professional titles of persons interviewed must be accurate and complete; e.g., Major General John J. Jones, United States Army, Retired, should be set out rather than merely, General John J. Jones, United States Army.

(17) When reporting the results of a BI interview, it is very important to always obtain and include as much generic information about the interviewee as possible. (See also 17-5.4.) For example, the following information should always be obtained and reported:

The interviewee's relative length or period of association with the candidate, i.e., how long and/or when the interviewee has known (knew) the candidate.

The nature of the interviewee's association with the candidate, e.g., professional, personal, social.

The basis for the interviewee's knowing the information provided about the candidate, i.e., personal knowledge, hearsay, opinion.

To illustrate, the following example is being set forth:

John Allan Doe, President, ABC Bank, 1234 Main Street, Bigger City, Texas, telephone 404-596-4356; residence, 10001 Cowboy Road, Dallas, Texas, telephone 404-598-9854, advised that he was the candidate's

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immediate superior at the ABC Bank for the last five years candidate was employed at ABC before the candidate resigned in 1990, and had known the candidate professionally for the twenty years prior to 1990. Doe has not seen or heard from the candidate since his 1990 retirement. Doe advised approximately three years ago, in 1993, he heard from ABC Vice-President of Consumer Financing, William Johnson, that candidate....

EFFECTIVE: 11/18/96

17-5.1 Derogatory Information

(1) Offices developing derogatory information must ensure that sufficient investigation is conducted in an attempt to verify or disprove the allegation. Exeditiously advise FBIHQ by telephone or teletype, as well as other offices which should be cognizant of the derogatory information in order that they may adequately conduct their part of the investigation. In 73, 77, 116, 140 and 161 matters, derogatory information is to be immediately telephonically conveyed to FBIHQ, to be followed within one work day by the facsimiling of interview(s) or insert(s) containing unfavorable information to FBIHQ. Teletypes are only to be sent in 73, 77, 116, 140 and 161 matters if other offices should be cognizant of the derogatory information in order to conduct adequately their part of the investigation.

(2) Whenever a person furnishes derogatory information, comments or conclusions, that person should be requested to provide specific facts, details or examples to support the statements being made. The report should clearly indicate whether or not the information is based on firsthand knowledge.

(3) Original sources of derogatory information should be identified and interviewed. It is not sufficient merely to receive such information indirectly or secondhand without an effort being made to determine its source and to resolve the matter fully. If for some reason it is not possible to interview original source, report should clearly show reason.

(4) If a question of identity is involved, report fully the information developed; initiate necessary investigation to resolve question of identity; and set out leads to interview original sources.

(5) In view of the possibility that information gathered

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as a result of FBI investigation could become testimony at an administrative or judicial proceeding, set forth results on FD-302 as follows:

"JOHN Z. QUICK, Date of Birth (DOB) 1/1/44, 112 March Street, Seattle, Washington 90020, telephone (home) (206) 555-1234, (office) (206) 555-6789, was advised of the identity of the interviewing Agent as well as the fact that he was being contacted in connection with the background investigation of Ms. MARY DOE. Mr. QUICK provided the following information:"

(6) In the event that additional investigative information is to be submitted as an Insert to a report, the following format is to be used:

1

SE (file number)
ABC:def (Dictator's/typist's initials)

Seattle Division
At Seattle, Washington

Special Agent TOM PLAYFAIR conducted the following investigation on Monday, January 2, 1989:

JOHN Z. QUICK, Date of Birth (DOB) 1/1/44, 112 March Street, Seattle, Washington 90020, telephone (home) (206) 555-1234, (office) (206) 555-6789, was advised of the identity of the interviewing Agent as well as the fact that he was being contacted in connection with the background investigation of Ms. MARY DOE. Mr. QUICK provided the following information:

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17-5.2 Data Obtained From File Searches

Information obtained from reviews of files on applicant, close relatives, references and associates should be used as lead material during the investigation. Pertinent information should also be organized for inclusion in the details of the report. Pertinent admissions, denials or explanation of associations with individuals or groups should be reported. Keep in mind this material will be disseminated to other Government agencies and, in some instances, to committees of the United States Senate. Any considerations affecting dissemination, such as material subject to Rule 6(e), opinion of the United States Attorney regarding release of information in pending investigations, protection of sensitive sources, and any restrictions on use of information regarding third parties, should be carefully examined. If necessary, consult with FBIHQ concerning the manner in which the information can be presented.

(1) Information on applicant - Office discovering derogatory information in its files on applicant should organize and report it unless data is contained in case in which another office is origin and that division has received copy of FBIHQ communication initiating investigation. In latter event, only office of origin in previous case should report data.

(2) Information on reference or other person to be interviewed - Office conducting interview has primary responsibility to report derogatory information. If this office has incomplete information but another office, such as office of origin, has complete information, office conducting interview must ensure that office having complete data reports it fully.

(3) If the only investigation required by an office is a file review, FBIHQ should be advised even if no record is located in office indices.

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17-5.3 Association With Individuals or Groups

(1) While the First Amendment protects an individual's right of association, there are areas which are of legitimate interest to the Government in connection with employment consideration. In this category would be associations with individuals or groups which would deny other persons their rights under the Constitution, which advocate overthrow of legally constituted authority through violent means, or which engage in crimes against persons or property.

(2) Check names of such individuals or groups through office indices.

(3) Conduct inquiries to verify or disprove the alleged affiliation and provide characterizations of individual or group involved. Ascertain knowledge of or agreement with policies of group as well as dates of affiliation and extent of participation as member or officer. Contact logical informants familiar with group or allegations involved.

(4) If an individual is involved, ascertain the degree of association which exists and the extent to which applicant is aware of that individual's activities. The extent of influence which this person can exercise over the applicant should also be determined.

EFFECTIVE: 08/12/86

17-5.4 Freedom of Information Act/Privacy Act of 1974 (See Part I, 190-5(3), 190-7.3.)

(1) Pursuant to provisions of the Privacy Act of 1974 (Privacy Act), all persons interviewed during background investigations (BIs) must be advised by the interviewing employee of the purpose for which the information is sought (a background investigation), the uses to be made of the information (to determine a person's suitability for federal employment or access to national security information), the provisions which allow a BI candidate access to our records (i.e., the BI results, including an interviewee's comments), and the interviewee's right to request confidentiality.

(2) The Privacy Act permits a United States citizen or permanent resident alien to access records pertaining to him or her maintained in a system of records by an agency of the Executive Branch

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of the federal government. Such an access request is processed under the provisions of the Freedom of Information Act and the Privacy Act (FOIPA).

The Privacy Act also permits the FBI to protect the identities of individuals interviewed during BIs who expressly request that their identity be held in confidence.

(3) When an individual has requested and been granted an express promise of confidentiality, it is absolutely imperative that this fact be clearly recorded along with the results of the interview.

Information collected by the FBI in these BIs will be disseminated to other government agencies and can also be made available to Senate committees when confirmation is involved. Therefore, when an individual interviewed during the course of a BI requests confidentiality under the Privacy Act, the level of confidentiality must be clearly set forth in the document recording the results of the interview (i.e., insert, FD-302). The three levels of confidentiality, an explanation of each, and the proper method to record them when reporting the results of interviews are set forth below:

(a) When interviewees request that their identities be protected from the candidate only, the following language is to be used:

"(Name, address, etc., of interviewee), who requested that (his/her) identity be protected only from the candidate, (name of candidate),...."

Under this level of confidentiality, the interviewee's identity could be included in documents provided to those agencies and/or certain members of congressional committees which have a need to access the candidate's BI. However, pursuant to an FOIPA request, the interviewee's identity and any information provided which could tend to identify the interviewee would be withheld from the requesting party.

(b) When interviewees request that their identities be protected outside the FBI (total anonymity is desired), the following language is to be used:

"(T-symbol, i.e., WMFO T-1), who requested that (T-symbol's, i.e., WMFO T-1's) identity be protected from anyone outside the FBI,...."

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1. Under this level of confidentiality, the interviewee's identity would not be included in documents provided to those agencies and/or certain members of congressional committees having a need to access the candidate's BI. Here also, pursuant to an FOIPA request, the interviewee's identity and any information provided which could tend to identify the interviewee would be withheld from the requesting party.

2. When reporting the results of a BI interview of a person who has requested total confidentiality, it is important to include sufficient information intended to establish the credibility of the information provided and of the person providing the information. This information assists the client entity in assessing the reliability of the interviewee and/or how much weight to attach to the information provided by the interviewee.

FBIHQ recognizes that it is sometimes difficult to include specific information with regard to the interviewee due to issues involving confidentiality; therefore, it is very important to always obtain and include as much generic information about the interviewee as possible. (See also 17-5(17).) For example, the following information should always be obtained and reported:

The interviewee's relative length or period of association with the candidate, i.e., how long and/or when the interviewee has known (knew) the candidate.

The nature of the interviewee's association with the candidate, e.g., professional, personal, social.

The basis for the interviewee knowing the information provided about the candidate, i.e., personal knowledge, hearsay, opinion.

To illustrate, the following example is being set forth:

WMFO T-1 (hereinafter referred to as "T-1"), who requested that T-1's identity be protected from anyone outside the FBI, advised that T-1 has known the candidate well professionally for approximately the last twenty years, and socially the last ten years. T-1 advised that T-1 is aware that the candidate used cocaine and marijuana on a frequent basis over a five-year period between 1980 and 1985 because the candidate has discussed his drug use with T-1 and others in group settings on several occasions....

(c) When interviewees request that their identities

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be protected until such time as required in a judicial proceeding or administrative hearing, the following language is to be used:

"(Name, address, etc., of interviewee), who requested that (his/her) identity be protected from the candidate until such time as it is required in a judicial proceeding or administrative hearing,...."

1. If interviewees request this level of confidentiality, it is recommended that they be asked if they would like to be advised prior to their identity being disclosed in such proceedings or hearings. If so, this is also to be set forth in the document recording the interview results.

2. Under this level of confidentiality, the interviewee's identity could be included in documents provided to those agencies and/or certain members of congressional committees having a need to access the candidate's background investigation. It would not be unnecessarily revealed in a judicial proceeding or administrative hearing to the candidate, until such time as it is required. Pursuant to an FOIPA request, the interviewee's identity and any information which could tend to identify the interviewee would be withheld from the requesting party unless it had been previously released to the requesting party in a judicial proceeding, administrative hearing, or was otherwise officially acknowledged.

(4) In addition to reporting the level of confidentiality requested by a BI interviewee, one of the following statements must appear in all background investigation communications reporting the results of interviews under the heading "Administrative":

(a) Use the following paragraph when one or more interviewees have been granted confidentiality: "All persons interviewed were furnished the appropriate provisions of the Privacy Act. Express promises of confidentiality, both limited and unlimited, have been granted to the following individuals:...."

(b) Use the following paragraph when no interviewees have been granted confidentiality: "All persons interviewed were furnished the appropriate provisions of the Privacy Act. Express promises of confidentiality have not been granted."

(5) Promises of confidentiality are not to be encouraged, but granted when it is the only means to secure information from the individual being interviewed. At what point in the interview process the person interviewed should be told of the Privacy Act and given the

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opportunity to request confidentiality is left to the best judgment of the interviewing employee. However, the logical time is at the beginning of the interview to avoid the appearance of intentionally misleading or misinforming the person being interviewed.

EFFECTIVE: 06/03/96

17-5.5 Terminology

Stereotypical language should be avoided (e.g., "100 percent American," "liberal," "conservative"). When a general attribute is being attached to an individual (e.g., "abrasive"), provide specifics or details as to how the person relates that term to the applicant. Refrain from giving a negative cast to interviews by using statements, such as "unable to furnish any derogatory information," but instead report what information the interviewee is able to provide.

EFFECTIVE: 04/18/88

17-5.6 Interview of Applicant (See MIOG, Part I, 77-5 and Part II, 17-3.2.)

(1) Applicant must be interviewed at the inception of the investigation. The applicant must be advised that the purpose of the interview is to ensure that complete (current and accurate) information is available concerning the applicant. The interview is not to be confined to biographical data, but also is to be directed at developing any information known to the applicant that could have a bearing on the person's suitability for federal employment and/or eligibility for a security clearance or access to sensitive information. The results of the interview must be reported on an FD-302. Results must be incorporated into details of report and any necessary leads set forth for FBIHQ and appropriate offices. The narrative of the FD-302 must be sufficiently detailed to reflect that the applicant was advised of the interview's purpose and that each of the following points was completely and thoroughly addressed in the interview:

(a) Completeness and accuracy of the SF-86. The majority of the interview should not be spent reviewing the SF-86. In

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most cases, it has been reviewed by FBIHQ personnel for completeness.

(b) Personal and business credit issues, including, but not limited to, repossessions, delinquent student loans, debts placed for collection and bankruptcy. (See Part II, 17-5.8.)

(c) Unpaid tax obligations. To the best of his/her knowledge, is the applicant current on all federal, state and local tax obligations. Has he/she ever made back payment of any such tax? This includes, but is not limited to, income taxes, medicare taxes, social security taxes, and unemployment taxes. If tax delinquencies or back payments are identified, determine type and amount (original and current) of tax owed/paid, tax year(s) covered, efforts and/or problems in paying the tax. Do not conduct any further investigation concerning federal tax delinquencies or back payments--FBIHQ will provide the information directly to the client agency which will consult directly with the IRS if necessary. For state and local tax delinquencies or back payments, immediately notify FBIHQ. If instructed to do so by FBIHQ, set forth appropriate leads to field offices to verify the information provided by the applicant.

(d) Civil suits as plaintiff or defendant, including divorces. Identify issues litigated.

(e) Any involvement in criminal matters as suspect or subject or any criminal charge, arrest and/or conviction.

(f) Any denials of employment and/or dismissals, particularly in the Federal sector. Include reasons.

(g) Any contact with representatives of foreign countries.

(h) Details of professional complaints or any nonjudicial disciplinary action, e.g., bar association grievances, better business complaints, student or military disciplinary proceedings, Equal Employment Opportunity complaints, etc.

(i) Business/investment circumstances that could or have involved conflict of interest allegations.

(j) Details of any psychological counseling with psychiatrists, psychologists, other qualified counselors or others.

(k) Any prescription drug or alcohol abuse, illegal drug use, to include marijuana and participation in drug/alcohol

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counseling/rehabilitation programs, during applicant's entire adult life (since age 18). Identify all drugs used, when used, duration of usage, amount of drug used, place where drug was used (public or private setting), how the drug was obtained, whether or not applicant has provided drugs to anyone, if applicant has purchased or sold drugs, others having knowledge of applicant's drug use.

(1) Memberships in organizations whose policies restrict membership on the basis of sex, race, color, religion or national origin. Determine if, in fact, the membership of the organization includes minorities (Presidential appointees, U.S. Bankruptcy, Special Tribunal and U.S. Magistrate Judges only). If it is determined that a candidate has been a member of such an organization within the most recent five-year period, determine the candidate's role, for example, as a policy-making officer, in such an organization; determine if any steps have been taken by the candidate to alter official or covert restrictive admissions policies; and ascertain the candidate's personal viewpoint toward such policies. Any organizations that are determined to have potentially restrictive/discriminatory admissions policies shall be checked in field offices' indices for pertinent references.

(m) Any involvement in any organization which advocates the use of force to overthrow the U.S. Government, or any involvement in the commission of sabotage, espionage or assistance of others in terrorism.

(n) Concealment of any activity or conduct that could be used to influence, pressure, coerce, or compromise the applicant in any way, or that could have an adverse impact on his/her character, judgment, stability, discretion, trustworthiness, or responsibility.

(2) The report of interview need not reflect the specific questions asked of the applicant. A question and answer format is not desired as it tends to result in a "checklist" style of interview and failure to fully develop all information the applicant may possess regarding a specific area of inquiry.

(3) The FBI accepts investigative requests from other agencies with the understanding the referral agency has notified the applicant of the Privacy Act requirements described in Part I, 190-5(2) and (3) of this manual. This notification would cover an interview of the applicant by the FBI if confirmation is received from the applicant that the advice was furnished. The applicant can also be informed that the interview is being conducted as a result of a

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request from the referral agency for the FBI to conduct a background investigation; that the purpose is to ensure the FBI has all the necessary information to conduct its investigation, the results of which will be disseminated by the FBI to the requesting agency as well as for other purposes consistent with the FBI's responsibilities; and that failure to provide the requested information could hinder the FBI's investigative efforts and cause delay in forwarding the completed results to the requesting agency for its use in making an employment or appointment determination.

(4) This interview is intended to obtain information to facilitate our investigative efforts. If an applicant provides information which could become a suitability or access issue, this should be fully explored with the applicant at the time of the interview. However, an applicant should not be contacted to resolve suitability or access issues which are developed during the investigation since resolution of such matters is primarily an adjudicative responsibility of the agency which requested the investigation. The FBI will conduct an interview to address such matters only when specifically requested or authorized by the employing agency.

EFFECTIVE: 05/27/94

17-5.7 Possible Testimony at Hearings

The possibility exists that an individual who furnishes derogatory information could be sought for testimony at a hearing if employment is being denied based on that information. Therefore, attempt to obtain a signed statement whenever such information is developed and obtain a statement concerning that person's availability to testify at a hearing.

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17-5.8 Review of Financial Records

FBIHQ will accept an applicant's or candidate's financial data when provided by the agency requesting the investigation. When such data is provided, it will be reviewed at FBIHQ for any obvious leads and then forwarded to the field. Investigative personnel should compare the provided data with the results of credit checks and responses of financial questions asked of interviewees knowledgeable of the applicant or candidate. The candidate will not be specifically asked by the FBI to provide financial data unless it is necessary to resolve an issue. FBIHQ approval must be obtained before requesting such data from a candidate.

EFFECTIVE: 08/28/91

17-5.9 Status Inquiries

Occasionally, representatives of the FBI receive inquiries from Executive Branch agencies, Congressional committees or the applicants themselves requesting the status of a particular background investigation or to request that the matter be expedited. Some client agencies have requested that these inquiries be referred to them. The FBI must ensure that the desires of the client agency are followed in investigations being conducted at their request. Therefore, any requests received regarding the status of a background investigation should be referred to FBIHQ prior to a response to ensure that FBIHQ is in a position to promptly notify the client.

EFFECTIVE: 08/28/91

17-6 SCOPE OF FULL FIELD INVESTIGATIONS
(See MIOG, Part I, 73-8.4(1)(a), 77-3, 77-4.5, 77-4.7,
77-4.8, 77-4.9, 77-4.11, 77-6, 116-7, 260-2.5(2),
260-4.1(1)(b) and 260-4.2 (3)(a), Part II, 17-5(14).)

The scope of investigation may vary depending upon the position involved and whether or not there has been a previous background investigation concerning the individual. Some investigations are limited to the past 10 years of the applicant's life, exclusive of records checks. While the general scope of investigation is set forth hereinafter, the investigation should not be limited solely to the steps described herein. A thorough

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examination of the applicant's personal history should be made along with consideration of the position involved. Investigative ingenuity should be exercised in an attempt to identify other leads which could reasonably be expected to produce relevant information concerning the applicant. The office should determine what resources available to it in the form of liaison contacts, informants, or assets which would be in a position to have knowledge of or provide comments concerning the applicant. For example, if the applicant is a bank official, contact should be made with the squad handling banking violations to identify any logical contacts which could be made to obtain comments about the applicant. In some instances, depending on the position involved and/or the applicant's background, specific guidance concerning contacts with informants or assets may be issued by FBIHQ. Variances in the scope of the investigation will be noted in the instructions set forth in the opening communication. It should be further noted that when issues of a pertinent or derogatory nature develop, investigation should be conducted to bring these issues to a logical conclusion, irrespective of the scope of the investigation.

EFFECTIVE: 05/27/94

17-6.1 Birth

[Verify applicant's date and place of birth at a bureau of vital statistics in all background investigations conducted for other Government agencies.]

EFFECTIVE: 08/28/91

17-6.2 Naturalization

(1) If applicant and/or spouse obtained citizenship through naturalization or derived citizenship through naturalization of parents, verify this through records of the Immigration and Naturalization Service (INS) or from court records. In view of time constraints, court records may prove to be more accessible for prompt review. In 116 matters in which Sensitive Compartmented Information access is required (which information will be provided to the field by FBIHQ) and in all 77 and 161 matters, the naturalization of close family members (parents, siblings, children and spouse) and current cohabitant(s) (residents of same household, living in spousal-type, or

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roommate-type, relationships, but not domestic/other employees) also must be verified.

(2) If applicant and/or spouse are foreign nationals, verify immigration status through INS, usually at the INS District Office covering the current residence. In 116 matters in which Sensitive Compartmented Information access is required (which information will be provided by the field to FBIHQ) and in all 77 and 161 matters, the alien status of close family members (parents, siblings, children and spouse) and current cohabitant(s) (residents of same household, living in spousal-type, or roommate-type, relationships, but not domestic/other employees) also must be verified.

EFFECTIVE: 08/28/91

17-6.3 Education

(1) All college attendance and degrees obtained falling within the scope of the investigation should be verified. If applicant has not obtained a college degree during the period of time covered by the investigation, the highest college degree obtained must be verified, regardless of the time frame involved. Although detailed records of study need not be reported, dates of attendance and available class standing or grade point average (include scale used) are to be set forth. Also report information concerning academic honors or probation. Make inquiry as to the location of disciplinary records and review those records for any information concerning appointee. If school does not maintain any of the above information or has a policy against releasing such data, include an appropriate statement in the report.

(2) If education has occurred during recent years (last 3 years), professors, teachers, advisers or fellow students should be interviewed.

(3) If records or professors, etc., are not available, a clear statement should be set forth from a responsible official at the institution explaining the situation.

(4) When no college degree is indicated, high school graduation must be verified. Even if graduation from high school occurred prior to the period of time covered by the investigation, that information still must be confirmed. It will not

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be sufficient to merely check attendance at business, commercial, or college institutions wherein no college degree has been obtained without also verifying high school graduation, unless it is clearly documented in those academic records that the applicant graduated from high school.

EFFECTIVE: 01/18/91

17-6.4 Marital Status

(1) Except in background investigations conducted for the Office of the Pardon Attorney, all divorces must be verified regardless of the scope of the investigation. For verification of divorces in investigations conducted for the Office of the Pardon Attorney, refer to MIOG, Part I, 73-8.4 (2)(g).

Divorce(s) should be verified through a review of appropriate records (e.g., court records). Identify which party was the plaintiff and the defendant as well as the grounds for, and date of, the divorce. All other pertinent information must be obtained, e.g., if the applicant has complied/is complying with all court-ordered obligations on a timely basis (e.g., child or spousal support or evidence of any violence, abuse or instability on the part of the applicant). If this information is not available through a review of appropriate records, efforts must be made to obtain it through an interview of applicant's attorney of record in the divorce proceeding or the attorney's representative. If this is unsuccessful, efforts must be made to obtain this information through the applicant's ex-spouse(s). If the aforementioned efforts fail, recontact the applicant in an effort to obtain/verify the necessary information.

(2) The results of each divorce verification, as reported, must clearly indicate whether or not the court imposed any financial obligations on the applicant. If so, identify each and address whether or not the applicant has complied/is complying with the obligations pursuant to the court's order in a timely manner. If no obligations were/have been imposed, so state.

(3) Except in background investigations conducted for the Office of the Pardon Attorney, all ex-spouses from divorces occurring within the scope of the investigation are to be interviewed. For interviews of ex-spouses in investigations conducted for the Office of the Pardon Attorney, refer to MIOG, Part I, 73-8.4 (2)(g). If the divorce occurred prior to the scope of the investigation, the

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| ex-spouse does not have to be interviewed unless requested by FBIHQ
or as otherwise deemed appropriate. |

(4) Current or separated spouse may be interviewed if considered necessary to resolve issues developed during investigation.

| (5) If any question about the applicant's current or previous marital status develops, attempt to verify through appropriate records. If not available, efforts are to be made to verify through other appropriate sources.

(6) All unsuccessful efforts to obtain marital status or divorce information and/or resolve issues must be clearly reported. |

EFFECTIVE: 11/18/96

17-6.5 Employment

(1) All employments falling within the scope of the investigation should be verified. If not possible to verify appropriate employments, the reason for this should be included in the report. Any available files should be reviewed, specific dates of employment recorded, and the reason for termination determined.

(2) Supervisors, co-workers or other appropriate personnel should be interviewed. | Interviews of military personnel's supervisors, co-workers, etc., are limited to two years prior to the date of their last military service, if their military service was within five years prior to the date of their application. (See MIOG, Part I, 67-7.8(9) & (19) and Part II, 17-6.6.) | These should be in addition to any who may be listed as references or associates. Supervisors listed on the background data form should be interviewed. If not available, include a statement to that effect from a responsible individual.

(3) If applicant is or has been self-employed, interview clients, partners, employees and/or neighboring or competing business persons/professionals to verify self-employment and to ascertain applicant's reputation in the business/professional community. These interviews should address the security and suitability standards of Section 17-4. If business is incorporated, check the state Secretary of State's records, where doing business, for any grievances and review the articles of incorporation. If the business is a

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partnership (excluding those professions regulated by licensing agencies), check the records of the County Clerk's Office (or the equivalent) for any grievances.

(4) If the employment record has been destroyed, or only limited data is available, report comment from appropriate person that this is the situation. Also determine whether applicant is known personally to that person or whether that person is able to provide the identity and/or location of others who might have known applicant.

(5) Periods of unemployment should be accounted for, and interviews of references, associates, neighbors, etc., may be useful in providing this knowledge.

EFFECTIVE: 11/28/95

17-6.6 Military Records

(1) These should be reviewed if applicant indicates any military service. National Guard records should be checked at the state National Guard headquarters. Review should include dates of service (active and reserve), awards received, rank attained, performance evaluations, disciplinary actions, clearances granted, and type of discharge received.

(2) If military records have been destroyed, verify service through other means such as Department of Veterans Affairs claims or physical observation of any military records in possession of applicant.

(3) If applicant is on active duty, or has been recently discharged, conduct interviews of supervisor and co-workers at current and/or recent assignments in the United States. Interviews are limited to supervisors and co-workers applicants have had within the two years prior to the date of their last military service, if their military service was within five years prior to the date of their application. (See MIOG, Part I, 67-7.8(9) & (19) & Part II, 17-6.5.) Interview commanding officer and review records at place of assignment.

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EFFECTIVE: 11/28/95

17-6.7 Neighborhoods

(1) Neighbors at places of residence during the past five years should be interviewed. If applicant is unknown personally at the location, attempt to identify the owner of the property or the rental agency and verify from records.

(2) If derogatory information is developed, inquiries should be conducted in logical neighborhoods without regard to the five-year limitation.

(3) Do not waste efforts in endeavoring to conduct inquiries in neighborhoods, other than verification of residences, where applicant resided for very brief periods, such as one month in a trailer camp, unless investigative circumstances indicate a necessity for such inquiries.

(4) Favorable neighborhood inquiries may be summarized. The summary paragraph should indicate that favorable comments were made concerning applicant's character, associates, reputation, and loyalty, should include the length of time applicant resided there, and should advise if favorable recommendations for Government employment were made. Any derogatory information should be set forth in complete detail. For each person contacted set forth identity, address and number of years applicant has been known. If applicant is unknown at the location, report identity of persons contacted who provided that information.

(5) If unable to verify residence through above investigation, attempts should be made through references, associates and other individuals in a position to have this knowledge or through education or employment records to corroborate residence at that location.

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17-6.8 References and Associates

(1) Generally, all listed references and associates should be interviewed. However, if an individual cannot be contacted without an expenditure of unreasonable time and travel or an individual will be unavailable for a period of time which would unduly delay the investigation, interviews need not be conducted provided an adequate inquiry can be completed without that interview. The details of the report should advise that the individual is unavailable and should recount what efforts were made to contact that person.

(2) If information is available which would preclude an interview, the individual should not be contacted. Explain on the cover pages of the report the reason why an interview is not appropriate.

(3) Whenever derogatory information exists concerning a reference or associate, an appropriate characterization of that individual should be reported and the nature and extent of applicant's association with that person should be developed.

(4) In recording results of interviews with references and associates, include information as to the nature of the relationship (e.g., social or professional basis) and the length of time of the association.

(5) During interviews with persons knowledgeable about applicant (such as neighbors, co-workers, supervisors, listed references and listed associates), obtain identity of associates of applicant and ensure that persons other than those identified by applicant are interviewed.

(6) Furnish name and identifying data concerning other individuals closely associated with applicant such as roommates and fiancé(e)s to FBIHQ for a check of Criminal Justice Information Services Division records.

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17-6.9 Relatives (See MIOG, Part II, 17-3.4(2)(b), 17-6.11.)

(1) Close relatives normally include spouse, children, parents, brothers and sisters. Other relatives who occupy the same residence as applicant or who were closely associated with the applicant's upbringing may also be included.

(2) Local law enforcement agency checks will not normally be necessary concerning close relatives since FBIHQ will check names of close relatives through Criminal Justice Information Services Division records. However, if, through other investigation, an office develops information concerning criminal activity on the part of a relative, notify FBIHQ and include information in details of report.

(3) The identity of close relatives is ordinarily included in background data provided by the applicant, but offices should be alert for the identity of any close relatives not listed. If an additional relative is discovered, promptly notify FBIHQ and interested offices, along with necessary identifying data. Similarly, if it is determined data provided by applicant is in error, promptly advise FBIHQ and interested offices.

(4) If derogatory information exists or is developed concerning a close relative, the nature and extent of association with the applicant should be ascertained.

EFFECTIVE: 04/08/96

17-6.10 Credit Agency Checks

(1) Credit checks will be processed by contractor credit bureau personnel at FBIHQ, and will cover all places of an applicant's residence, education, and employment during the most recent seven-year period. If the credit check discloses any repossessions or court judgment, or if an account is listed as an uncollectible debt, skip, has been placed for collection, or significantly delinquent, a separate communication will be sent to the field from FBIHQ to ascertain from the firm listing the delinquency and/or through court records if the obligation remains outstanding or if it has been resolved.

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(2) Where it is necessary to access records which are covered by the Right to Financial Privacy Act of 1978 (RFPA) (generally, banks, savings and loan associations, credit unions and credit card issuers); the applicant is to be furnished with a copy of Department of Justice (DOJ) letterhead memorandum captioned, "Statement of Customer Rights under the Right to Financial Privacy Act of 1978," which must be executed by the interviewing Agent. The applicant must execute Form DOJ-462 captioned, "Customer Consent and Authorization for Access to Financial Records." Copy of executed DOJ-462 should be furnished to each office where financial records are to be reviewed. For effective use of this customer consent and authorization form, ensure applicant identifies all financial institutions anticipated to require access. The purpose should also be stated broadly on the form. In addition, Form DOJ-461 captioned, "Certificate of Compliance with the Right to Financial Privacy Act of 1978," must be executed by a "supervisory official" and transmitted along with DOJ-462 to the financial institution before financial records may be obtained. The certification of compliance requirement is an absolute prerequisite to Government access to financial records under RFPA. See Part II, 23-6, of this manual, particularly concerning method of identifying material which is incorporated in reports.

EFFECTIVE: 08/28/91

17-6.11 Law Enforcement Agency Checks

(1) In all localities of residence, education, and employment, check the applicant's name against files of local law enforcement agencies. These checks are not to be limited to police departments but are to include records of sheriffs' office, or other duly constituted authorities which cover an area (i.e., Military Police if applicant resided on a military installation), and motor vehicle administrations or equivalent agencies. Where centralization of records on an areawide or statewide basis is in effect, those records are also to be reviewed. Some law enforcement agencies departmentalize their operations, making it necessary to check records of various squads and bureaus within the agency. Check of these records must be made.

(2) If a record is located, obtain in detail all necessary data which identifies applicant with the person to whom the record pertains. Avoid drawing conclusions by identifying the record as that of "the applicant." Instead, set forth the data from the

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record which will identify the record with a particular individual. Ascertain not only disposition but check existing court docket, blotter, or case file for any additional data that might be available. Should it be necessary, interview arresting officer if available.

(3) Frequently arrests are made on charges which are generic and indefinite in nature. Examples of such vague charges are disorderly conduct, loitering, etc. In such instances, it is not sufficient merely to report that applicant was arrested on such a charge, but the exact nature of applicant's activities resulting in arrest must be ascertained. A charge of disorderly conduct might encompass activities ranging from sexual deviation to loitering. The exact nature of such a charge must be ascertained for inclusion in report.

(4) During the course of the background investigation, if it is disclosed through law enforcement entities that the applicant is the subject of a current criminal investigation, the field should hold the background investigation in abeyance and immediately notify FBIHQ.

EFFECTIVE: 08/28/91

17-6.12 Tax Matters

Check for tax liens (state and local) when there is questionable financial status concerning presidential appointments, Federal Judgeships, USAs, U.S. Marshals, Deputy Attorney General, Associate Attorney General, Assistant Attorneys General, Department heads, members of U.S. Parole Commission and U.S. Courts applicants, and others as directed by FBIHQ. Furnish questionable financial standing to auxiliary offices for appropriate checks. Where a check of IRS records is required, the interested agency will make necessary requests.

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17-6.13 Agency Checks (See MIOG, Part I, 161-8.)

(1) When an individual is being investigated (SI), the investigator will conduct all Office of Personnel Management (OPM) Department of Energy and Investigations and Control (DCIC), Central Intelligence Agency (CIA), and Selective Service System (SSS) checks. Investigations DCIC which include security clearance information reported by DISCO, is checked to indicate that individual prior or current service of foreign employment with any branch of the Department of Energy and Investigations is being granted in final clearance check and Top Secret clearance. Investigations taken by the Department of Energy and Investigations regarding employment in SSS is checked via a telephonic computerized system which maintains SSS information on all candidates who were born after 12/31/59. When appropriate, leads for various agency checks are set out in FBIHQ manual to field offices (Washington Metropolitan Field Office, etc.).

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(2) If applicant is known to have been previously processed for clearance by Atomic Energy Commission, Department of Energy, or Nuclear Regulatory Commission, security files of appropriate area office or offices of Department of Energy or Nuclear Regulatory Commission which handled clearance procedures should be checked.

(3) In presidential appointment matters, the applicant's name should be checked at the U.S. Attorney's Office covering any area of residence, employment, or education for information that the applicant has been involved in any Federal litigation. The records of the U.S. Attorney's Office will be checked against the applicant's name during other investigations where the applicant is to be employed in a sensitive position, regardless of whether or not the candidate is to receive a presidential appointment, such as in all Level I and Level II 161 investigations and certain investigations for the Administrative Office of the U.S. Courts and the Department of Justice. FBIHQ will instruct the field in the opening communication as to which nonpresidential appointment cases require checks at the U.S. Attorney's Office.

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(4) In addition to these checks, the applicant's background and information developed during the investigation should be examined for any other logical agencies where records could be compiled concerning an individual. If a person is engaged in a profession, state associations or licensing agencies should be checked to verify issuance of a license or certificate and to determine if any record of complaints or investigation exists concerning the applicant. Similarly, careful analysis should be undertaken to ensure logical checks of Federal, state and local governmental agencies, as well as private sources (e.g., Better Business Bureau), for information bearing on an individual's character and fitness for employment are thoroughly exhausted. When a licensing agency is checked, the following statement must appear: "The above-named agency is the licensing agency for (type of profession) in the state (state name)."

(5) If a check with an agency cannot be completed within the deadline, advise FBIHQ of this fact and complete other aspects of the investigation. The case can then be followed on tickler or placed in a pending inactive status and the results of the check can be forwarded to FBIHQ when received. FBIHQ, when all other investigative results are received, will forward the results to the client agency with a statement that the FBI's inquiry is complete and information from the other agency will be provided when it becomes available.

(6) If pertinent information is developed from a review of records of another agency, determine the identity of the original source and interview. If agency unwilling to or unable to identify the source, indicate reason and agency's evaluation in report. If person interviewed furnishes same information, it is not necessary to report this information was previously provided to the other agency. If interviewee contradicts information attributed to that person by another agency, quote information from other agency, discuss discrepancies with interviewee, and report interviewee's explanation for discrepancies. Do not reveal to interviewee that current interview is based on the other agency's information unless absolutely necessary, such as when contradictions need to be resolved. Identity of other agency should not be made known.

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||17-6.14| Civil Suits

(1) Whenever information is developed indicating applicant is or has been a party to a civil suit, ensure that all appropriate court records are examined in order to identify any civil suit involving applicant. Report succinct summary of suit.

(2) It is recognized that in some instances a person who has occupied public office may be named in a number of suits by reason of the position held. When such a circumstance is encountered, point out in summary fashion that these suits were filed against applicant in connection with his/her role as a public official. Unless indications are received such suits pertain to improprieties personally committed by applicant, no further review would be necessary.

EFFECTIVE: 01/18/91

||17-6.15| Medical Records

If background furnished or investigation indicates person under investigation has been treated for serious physical or mental problem, verify through physician or institution records, obtaining medical release when needed, except in Special Inquiry matters where no investigation should be undertaken unless so instructed by FBIHQ.

EFFECTIVE: 01/18/91

17-7 FRAUD VIOLATIONS

Possible fraud against the Government (FAG) violations are sometimes detected during applicant-type investigations. They result from falsification or concealment in questionnaire or application executed and submitted to Government by applicant in apparent belief that true recitation of facts would prejudice opportunity for employment. For additional instructions, see section of this manual concerning Fraud Against the Government.

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17-7.1 Applicable Statutes

- (1) Title 5, USC, Sections 3333 and 7311
- (2) Title 18, USC, Sections 1001 and 1918

EFFECTIVE: 01/18/91

17-7.2 Investigative Procedures

(1) Cases involving serious falsifications or misrepresentations of material facts are to be presented to the USA; however, in order that employing agency can first be apprised of fact case is to be presented, advise FBIHQ by teletype of pertinent facts, including intent to present to USA. As soon as employing agency is notified by FBIHQ, field will be advised so case can be presented to USA as early as feasible to avoid unnecessary investigation in event he/she would not authorize prosecution.

(2) Cases involving petty or immaterial offenses, such as an arrest for drunkenness or other minor misrepresentations, are brought to FBIHQ's attention by cover page(s) accompanying investigative report and are not presented to USA.

(3) Investigate such possible fraud violations as part of the applicant-type investigation. Do not open separate case. When fraud matter is presented to USA, add "Fraud Against the Government" to character. Set forth in report opinion of USA, and ensure venue discussed.

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SECTION 18. AGREEMENTS AND COORDINATION BETWEEN FBI, MILITARY
AND OTHER AGENCIES

18-1 THE AGREEMENTS

The following agreement was approved and entered into by the Departments of Justice (DOJ) and Defense (DOD) relative to the investigation and prosecution of crimes committed by individuals subject to the Uniform Code of Military Justice:

EFFECTIVE: 07/11/85

18-2 MEMORANDUM OF UNDERSTANDING BETWEEN DOJ AND DOD

"MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF JUSTICE AND DEFENSE RELATING TO THE INVESTIGATION AND PROSECUTION OF CERTAIN CRIMES

"A. PURPOSE, SCOPE AND AUTHORITY

"This Memorandum of Understanding (MOU) establishes policy for the Department of Justice and Department of Defense with regard to the investigation and prosecution of criminal matters over which the two Departments have jurisdiction. This memorandum is not intended to confer any rights, benefits, privileges, or form of due process procedure upon individuals, associations, corporations or other persons or entities.

"This Memorandum applies to all components and personnel of the Department of Justice and the Department of Defense. The statutory bases for the Department of Defense and the Department of Justice investigation and prosecution responsibilities include, but are not limited to:

"1. Department of Justice: Titles 18, 21 and 28 of the United States Code; and

"2. Department of Defense: The Uniform Code of Military Justice, Title 10, United States Code, Sections 801-940; the Inspector General Act of 1978, Title 5, United States Code, Appendix I; and Title 5, United States Code, Section 301.

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"B. POLICY

"The Department of Justice has primary responsibility for enforcement of federal laws in the United States District Courts. The Department of Defense has responsibility for the integrity of its programs, operations and installations and for the discipline of the Armed Forces. Prompt administrative actions and completion of investigations within the two (2) year statute of limitations under the Uniform Code of Military Justice require the Department of Defense to assume an important role in federal criminal investigations. To encourage joint and coordinated investigative efforts, in appropriate cases where the Department of Justice assumes investigative responsibility for a matter relating to the Department of Defense, it should share information and conduct the inquiry jointly with the interested Department of Defense investigative agency.

"It is neither feasible nor desirable to establish inflexible rules regarding the responsibilities of the Department of Defense and the Department of Justice as to each matter over which they may have concurrent interest. Informal arrangements and agreements within the spirit of this MOU are permissible with respect to specific crimes or investigations.

"C. INVESTIGATIVE AND PROSECUTIVE JURISDICTION

"1. CRIMES ARISING FROM THE DEPARTMENT OF DEFENSE OPERATIONS

"a. Corruption Involving the Department of Defense
Personnel

"The Department of Defense investigative agencies will refer to the FBI on receipt all significant allegations of bribery and conflict of interest involving military or civilian personnel of the Department of Defense. In all corruption matters the subject of a referral to the FBI, the Department of Defense shall obtain the concurrence of the Department of Justice prosecutor or the FBI before initiating any independent investigation preliminary to any action under the Uniform Code of Military Justice. If the Department of Defense is not satisfied with the initial determination, the matter will be reviewed by the Criminal Division of the Department of Justice.

"The FBI will notify the referring agency promptly regarding whether they accept the referred matters for investigation. The FBI will attempt to make such decision in one (1) working day of receipt

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of such matters.

"b. Frauds Against the Department of Defense and Theft and Embezzlement of Government Property

"The Department of Justice and the Department of Defense have investigative responsibility for frauds against the Department of Defense and theft and embezzlement of government property from the Department of Defense. The Department of Defense will investigate frauds against the Department of Defense and theft of government property from the Department of Defense. Whenever a Department of Defense investigative agency identifies a matter which, if developed by investigation, would warrant federal prosecution, it will confer with the United States Attorney or the Criminal Division, the Department of Justice, and the FBI field office. At the time of this initial conference, criminal investigative responsibility will be determined by the Department of Justice in consultation with the Department of Defense.

"2. CRIMES COMMITTED ON MILITARY INSTALLATIONS

"a. Subject(s) can be Tried by Court-Martial or are Unknown

"Crimes (other than those covered by paragraph C.1.) committed on a military installation will be investigated by the Department of Defense investigative agency concerned and, when committed by a person subject to the Uniform Code of Military Justice, prosecuted by the Military Department concerned. The Department of Defense will provide immediate notice to the Department of Justice of significant cases in which an individual subject/victim is other than a military member or dependent thereof.

"b. One or More Subjects cannot be Tried by Court-Martial

"When a crime (other than those covered by paragraph C.1.) has occurred on a military installation and there is reasonable basis to believe that it has been committed by a person or persons, some or all of whom are not subject to the Uniform Code of Military Justice, the Department of Defense investigative agency will provide immediate notice of the matter to the appropriate Department of Justice investigative agency unless the Department of Justice has relieved the Department of Defense of the reporting requirement for that type or class of crime.

"3. CRIMES COMMITTED OUTSIDE MILITARY INSTALLATIONS BY PERSONS WHO CAN BE TRIED BY COURT-MARTIAL

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"a. Offense is Normally Tried by Court-Martial

"Crimes (other than those covered by paragraph C.1.) committed outside a military installation by persons subject to the Uniform Code of Military Justice which, normally, are tried by court-martial will be investigated and prosecuted by the Department of Defense. The Department of Defense will provide immediate notice of significant cases to the appropriate Department of Justice investigative agency. The Department of Defense will provide immediate notice in all cases where one or more subjects is not under military jurisdiction unless the Department of Justice has relieved the Department of Defense of the reporting requirement for that type or class of crime.

"b. Crimes Relating to Scheduled Military Activities

"Crimes relating to scheduled military activities outside of a military installation, such as organized maneuvers in which persons subject to the Uniform Code of Military Justice are suspects, shall be treated as if committed on a military installation for purposes of the Memorandum. The FBI or other Department of Justice investigative agency may assume jurisdiction with the concurrence of the United States Attorney or the Criminal Division, Department of Justice.

"c. Offense is not Normally Tried by Court-Martial

"When there are reasonable grounds to believe that a Federal crime (other than those covered by paragraph C.1.) normally not tried by court-martial, has been committed outside a military installation by a person subject to the Uniform Code of Military Justice, the Department of Defense investigative agency will immediately refer the case to the appropriate Department of Justice investigative agency unless the Department of Justice has relieved the Department of Defense of the reporting requirement for that type or class of crime.

"D. REFERRALS AND INVESTIGATIVE ASSISTANCE

"1. REFERRALS

"Referrals, notices, reports, requests and the general transfer of information under this Memorandum normally should be between the FBI or other Department of Justice investigative agency and the appropriate Department of Defense investigative agency at the field level.

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"If a Department of Justice investigative agency does not accept a referred matter and the referring Department of Defense investigative agency then, or subsequently, believes that evidence exists supporting prosecution before civilian courts, the Department of Defense agency may present the case to the United States Attorney or the Criminal Division, Department of Justice, for review.

"2. INVESTIGATIVE ASSISTANCE

"In cases where a Department of Defense or Department of Justice investigative agency has primary responsibility and it requires limited assistance to pursue outstanding leads, the investigative agency requiring assistance will promptly advise the appropriate investigative agency in the other Department and, to the extent authorized by law and regulations, the requested assistance should be provided without assuming responsibility for the investigation.

"E. PROSECUTION OF CASES

"1. With the concurrence of the Department of Defense, the Department of Justice will designate such Department of Defense attorneys as it deems desirable to be Special Assistant United States Attorneys for use where the effective prosecution of cases may be facilitated by the Department of Defense attorneys.

"2. The Department of Justice will institute civil actions expeditiously in United States District Courts whenever appropriate to recover monies lost as a result of crimes against the Department of Defense; the Department of Defense will provide appropriate assistance to facilitate such actions.

"3. The Department of Justice prosecutors will solicit the views of the Department of Defense prior to initiating action against an individual subject to the Uniform Code of Military Justice.

"4. The Department of Justice will solicit the views of the Department of Defense with regard to its Department of Defense-related cases and investigations in order to effectively coordinate the use of civil, criminal and administrative remedies.

"F. MISCELLANEOUS MATTERS

"1. THE DEPARTMENT OF DEFENSE ADMINISTRATIVE ACTIONS

"Nothing in this Memorandum limits the Department of Defense

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investigations conducted in support of administrative actions to be taken by the Department of Defense. However, the Department of Defense investigative agencies will coordinate all such investigations with the appropriate Department of Justice prosecutive agency and obtain the concurrence of the Department of Justice prosecutor or the Department of Justice investigative agency prior to conducting any administrative investigation during the pendency of the criminal investigation or prosecution.

"2. SPECIAL UNIFORM CODE OF MILITARY JUSTICE FACTORS

"In situations where an individual subject to the Uniform Code of Military Justice is a suspect in any crime for which a Department of Justice investigative agency has assumed jurisdiction, if a Department of Defense investigative agency believes that the crime involves special factors relating to the administration and discipline of the Armed Forces that would justify its investigation, the Department of Defense investigative agency will advise the appropriate Department of Justice investigative agency or the Department of Justice prosecuting authorities of these factors. Investigation of such a crime may be undertaken by the appropriate Department of Defense investigative agency with the concurrence of the Department of Justice.

"3. ORGANIZED CRIME

"The Department of Defense investigative agencies will provide to the FBI all information collected during the normal course of agency operations pertaining to the element generally known as "organized crime" including both traditional (La Cosa Nostra) and nontraditional organizations whether or not the matter is considered prosecutable. The FBI should be notified of any investigation involving any element of organized crime and may assume jurisdiction of the same.

"4. DEPARTMENT OF JUSTICE NOTIFICATION TO DEPARTMENT OF DEFENSE INVESTIGATIVE AGENCIES

"a. The Department of Justice investigative agencies will promptly notify the appropriate Department of Defense investigative agency of the initiation of the Department of Defense related investigations which are predicated on other than a Department of Defense referral except in those rare instances where notification might endanger agents or adversely affect the investigation. The Department of Justice investigative agencies will also notify the Department of Defense of all allegations of the Department of Defense

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related crimes where investigation is not initiated by the Department of Justice.

"b. Upon request, the Department of Justice investigative agencies will provide timely status reports on all investigations relating to the Department of Defense unless the circumstances indicate such reporting would be inappropriate.

"c. The Department of Justice investigative agencies will promptly furnish investigative results at the conclusion of an investigation and advise as to the nature of judicial action, if any, taken or contemplated.

"d. If judicial or administrative action is being considered by the Department of Defense, the Department of Justice will, upon written request, provide existing detailed investigative data and documents (less any Federal grand jury material, disclosure of which would be prohibited by Rule 6(e), Federal Rules of Criminal Procedure), as well as agent testimony for use in judicial or administrative proceedings, consistent with Department of Justice and other Federal regulations. The ultimate use of the information shall be subject to the concurrence of the Federal prosecutor during the pendency of any related investigation or prosecution.

"5. TECHNICAL ASSISTANCE

"a. The Department of Justice will provide to the Department of Defense all technical services normally available to Federal investigative agencies.

"b. The Department of Defense will provide assistance to the Department of Justice in matters not relating to the Department of Defense as permitted by law and implementing regulations.

"6. JOINT INVESTIGATIONS

"a. To the extent authorized by law, the Department of Justice investigative agencies and the Department of Defense investigative agencies may agree to enter into joint investigative endeavors, including undercover operations, in appropriate circumstances. However, all such investigations will be subject to Department of Justice guidelines.

"b. The Department of Defense, in the conduct of any investigation that might lead to prosecution in Federal District Court, will conduct the investigation consistent with any Department

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of Justice guidelines. The Department of Justice shall provide copies of all relevant guidelines and their revisions.

"7. APPREHENSION OF SUSPECTS

"To the extent authorized by law, the Department of Justice and the Department of Defense will each promptly deliver or make available to the other suspects, accused individuals and witnesses where authority to investigate the crimes involved is lodged in the other Department. This MOU neither expands nor limits the authority of either Department to perform apprehensions, searches, seizures, or custodial interrogations.

"G. EXCEPTION

"This Memorandum shall not affect the investigative authority now fixed by the 1979 'Agreement Governing the Conduct of the Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation' and the 1983 Memorandum of Understanding between the Department of Defense, the Department of Justice and the FBI concerning 'Use of Federal Military Force in Domestic Terrorist Incidents.'

"Signed:

/s/ William French Smith
Attorney General
United States Department
of Justice

/s/ Caspar W. Weinberger
Secretary of Defense
United States Department
of Defense

Date: Aug 14, 1984

Date: August 22, 1984"

EFFECTIVE: 07/11/85

| 18-2.1 | Deleted |

EFFECTIVE: 07/11/85

| 18-2.1.1 | Deleted |

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EFFECTIVE: 07/11/85

| 18-2.1.2 | Deleted |

EFFECTIVE: 07/11/85

| 18-2.1.3 | Deleted |

EFFECTIVE: 07/11/85

18-3 MEMORANDUM OF UNDERSTANDING ON MILITARY DESERTERS BETWEEN
THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE
DEPARTMENT OF DEFENSE (DOD)

The following agreement between the FBI and DOD relative
to investigations concerning military deserters was approved and
entered into:

"MEMORANDUM OF UNDERSTANDING ON MILITARY DESERTERS BETWEEN
THE FEDERAL BUREAU OF INVESTIGATION (FBI) AND THE DEPARTMENT OF
DEFENSE (DOD)"

"Desertion is a most serious offense under the Uniform Code of Military
Justice. Vigorous efforts to apprehend deserters are essential in
order to return deserters to military control and to deter others from
deserting.

"It is, therefore, agreed that:

"(1) Each Military Department will continue to enter
information on each deserter into the National Crime Information
Center Computer. This information will be kept current by the
Military Departments and remain available to law enforcement officials
at the national, state, and local levels as long as the individual is
absent.

"(2) Responses to inquiries from any law enforcement
agency resulting from any other investigation of offense will disclose
that the subject of the inquiry is wanted by a Military Department.

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"(3) The FBI Identification Division will continue to assist Military Departments in identifying persons through fingerprint comparison and will provide to the Military Departments wanted flash notice services for ordinary deserter cases and for offenses shown on the Attachment. These services will be initiated automatically upon the military's entry of a deserter's record in the Wanted Persons File of the National Crime Information Center.

"(4) The FBI will conduct investigations for the purpose of apprehending deserters in those cases where aggravating circumstances exist in addition to the desertion offense. Aggravating circumstances include those matters listed on the Attachment. In such cases, the Military Department Headquarters will provide the FBI Headquarters with written notice which will specify the serious offense, in addition to desertion, of which the absentee is suspected. Such notice indicates that appropriate judicial or administrative disposition is contemplated upon return to military control. Upon receipt of such notice, the FBI will initiate an active investigation. The FBI will be informed promptly of any change in the status of a military member who is subject of an FBI investigation.

"(5) It is possible other offenses may be committed which are not within the scope of the Attachment, yet because of their circumstances, are so aggravated that investigation and return to military control is warranted. Requests for FBI assistance in these few instances will be closely monitored by the Military Department Headquarters and that Headquarters will provide the FBI Headquarters with factual detail explaining the seriousness of the offense, in order to support an FBI investigation.

"(6) The DOD will undertake its own program to deter desertion and to apprehend deserters. The Military Departments will engage in desertion prevention programs and will cooperate with all law enforcement officials in the return of deserters to military control.

"(7) The FBI will conduct investigations to apprehend military personnel convicted of one of the attached articles who subsequently escape military confinement.

| Amendment

"(8) The FBI will conduct investigations to apprehend military personnel designated deserters by their respective Military Service during any national emergency involving armed conflict which

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occurs subsequent to the date this amendment is signed.

March 19, 1979
Date

/s/ William H. Webster
For the FBI
Director

May 9, 1979
Date

/s/ Robert B. Pirie, Jr.
For the DOD
Assistant Secretary of
Defense (Manpower,
Reserve Affairs &
Logistics)

"General

"Desertion of officers.

"Desertion of those who have had access to certain classified defense information which if disclosed could, in the view of the Military Department concerned, jeopardize the security interests of the United States.

"Violations of the Uniform Code of Military Justice

- "Art. 82 Soliciting or advising another to desert or to mutiny, or to commit misbehavior before the enemy. Sedition.
- " 90 Striking, drawing or lifting up any weapon or offering any violence to his superior commissioned officer in the execution of his office.
- " 91 Striking or otherwise assaulting a warrant officer or a noncommissioned officer or petty officer while in the execution of his office.
- " 92 Disclosure of classified defense information.
- " 99 Misbehavior before the enemy.
- " 100 Subordinate compelling surrender.

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- " 103 Looting and pillaging.
- " 104 Aiding the enemy.
- " 106 Spying.
- "Art. 116 Riot.
- " 118 Murder.
- " 119 Manslaughter.
- " 120 Rape.
- " 122 Robbery.
- " 124 Maiming.
- " 125 Sodomy by force and without consent, or with a child under the age of 16 years.
- " 126 Arson.
- " 127 Extortion.
- " 128 Assault upon a commissioned officer not in the execution of his office.
- " 134 Assault:
 - " Indecent.
 - " With intent to commit voluntary manslaughter, robbery, sodomy, arson or burglary.
 - " With intent to commit housebreaking.
 - " With intent to commit murder or rape.
 - " Firearm, discharging:
 - " Wrongfully and willfully, under circumstances as to endanger life.
 - " Homicide, negligent.

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- " Indecent acts or liberties with a child under the age of 16 years.
- " 80 Attempting to commit any of the above.
- " 81 Conspiracy to commit any of the above."

EFFECTIVE: 06/08/79

18-4 MEMORANDUM OF UNDERSTANDING BETWEEN DOJ AND COAST GUARD

The following agreement was approved and entered into between the Departments of Justice and Transportation relative to the investigation and prosecution of crimes committed by members of the U.S. Coast Guard subject to the Uniform Code of Military Justice:

"MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENTS OF JUSTICE AND TRANSPORTATION (COAST GUARD) RELATING TO THE INVESTIGATION AND PROSECUTION OF CRIMES OVER WHICH THE TWO DEPARTMENTS HAVE CONCURRENT JURISDICTION

"Whereas, certain crimes committed by Coast Guard personnel subject to the Uniform Code of Military Justice may be prosecuted by Coast Guard tribunals under that Code or by civilian authorities in the Federal Courts; and

"Whereas, it is recognized that although the administration and discipline of the Coast Guard requires that certain types of crimes committed by its personnel be investigated by that service and prosecuted before Coast Guard military tribunals other types of crimes committed by such military personnel should be investigated by civil authorities and prosecuted before civil tribunals; and

"Whereas, it is recognized that it is not feasible to impose inflexible rules to determine the respective responsibility of the civilian and Coast Guard military authorities as to each crime over which they may have concurrent jurisdiction and that informal arrangements and agreements may be necessary with respect to specific crimes or investigations; and

"Whereas, agreement between the Department of Justice and the Department of Transportation (Coast Guard) as to the general areas

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in which they will investigate and prosecute crimes to which both civil and military jurisdiction attach will, nevertheless, tend to make the investigation and prosecution of crimes more expeditious and efficient and give appropriate effect to the policies of civil government and the requirements of the United States Coast Guard;

"It is hereby agreed and understood between the Department of Justice and the Department of Transportation (Coast Guard) as follows:

"1. Crimes committed on military installations (including aircraft and vessels). Except as hereinafter indicated, all crimes committed on a military installation by Coast Guard personnel subject to the Uniform Code of Military Justice shall be investigated and prosecuted by the Coast Guard if the Coast Guard makes a determination that there is a reasonable likelihood that only Coast Guard personnel subject to the Uniform Code of Military Justice are involved in such crime as principals or accessories, and, except in extraordinary cases, that there is no victim other than persons who are subject to the Uniform Code of Military Justice or who are bona fide dependents or members of a household of military or civilian personnel residing on the installation. Unless such a determination is made, the Coast Guard shall promptly advise the Federal Bureau of Investigation of any crime committed on a military installation if such crime is within the investigative authority of the Federal Bureau of Investigation. The Federal Bureau of Investigation shall investigate any serious crime of which it has been so advised for the purpose of prosecution in the civil courts unless the Department of Justice determines that investigation and prosecution may be conducted more efficiently and expeditiously by the Coast Guard. Even if the determination provided for in the first sentence of this paragraph is made by the Coast Guard, it shall promptly advise the Federal Bureau of Investigation of any crime committed on a military installation in which there is a victim who is not subject to the Uniform Code of Military Justice or a bona fide dependent or member of the household of military or civilian personnel residing on the installation and that the Coast Guard is investigating the crime because it has been determined to be extraordinary. The Coast Guard shall promptly advise the Federal Bureau of Investigation whenever the crime, except in minor offenses, involves fraud against the government, misappropriation, robbery, or theft of government property or funds, or is of a similar nature. All such crimes shall be investigated by the Coast Guard unless it receives prompt advice that the Department of Justice has determined that the crime should be investigated by the Federal Bureau of Investigation and that the Federal Bureau of Investigation will undertake the investigation for the purpose of prosecution in the

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civil courts.

"2. Crimes committed outside of military installations. Except as hereinafter indicated, all crimes committed outside of military installations, which fall within the investigative jurisdiction of the Federal Bureau of Investigation and in which there is involved as a suspect an individual subject to the Uniform Code of Military Justice, shall be investigated by the Federal Bureau of Investigation for the purpose of prosecution in civil courts, unless the Department of Justice determines that investigation and prosecution may be conducted more efficiently and expeditiously by other authorities. All such crimes which come first to the attention of Coast Guard authorities shall be referred promptly by them to the Federal Bureau of Investigation as to particular types or classes of crime. However, whenever Coast Guard military personnel are engaged in scheduled military activities outside of military installations such as organized maneuvers or organized movement, the provisions of paragraph 1 above shall apply, unless persons not subject to the Uniform Code of Military Justice are involved as principals, accessories or victims.

"If, however, there is involved as a suspect or as an accused in any crime committed outside of a military installation and falling within the investigative authority of the Federal Bureau of Investigation an individual who is subject to the Uniform Code of Military Justice and if the Coast Guard authorities believe that the crime involves special factors relating to the administration and discipline of the Coast Guard which would justify investigation by them for the purpose of prosecution before a Coast Guard military tribunal, they shall promptly advise the Federal Bureau of Investigation of the crime and indicate their views on the matter. Investigation of such a crime may be undertaken by the Coast Guard military authorities if the Department of Justice agrees.

"3. Transfer of investigative authority. An investigative body of the Coast Guard which has initiated an investigation pursuant to paragraphs 1 and 2 hereof shall have exclusive investigative authority and may proceed therewith to prosecution. If, however, any Coast Guard investigative body comes to the view that effectuation of those paragraphs requires the transfer of investigative authority over a crime, investigation of which has already been initiated by that or by any other investigative body, it shall promptly advise the other interested investigative body of its views. By agreement between the Departments of Justice and Transportation (Coast Guard), investigative authority may then be transferred.

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"4. Administrative action. Exercise of exclusive investigative authority by the Federal Bureau of Investigation pursuant to this agreement shall not preclude Coast Guard military authorities from making inquiries for the purpose of administrative action related to the crime being investigated. The Federal Bureau of Investigation will make the results of its investigations available to Coast Guard military authorities for use in connection with such action.

"Whenever possible, decisions with respect to the application in particular cases of the provisions of this Memorandum of Understanding will be made at the local level, that is, between the Special Agent in Charge of the local office of the Federal Bureau of Investigation and the local Coast Guard military commander.

"5. Surrender of suspects. To the extent of the legal authority conferred upon them, the Department of Justice and Coast Guard military authorities will each deliver to the other promptly suspects and accused individuals if authority to investigate the crimes in which such accused individuals and suspects are involved is lodged in the other by paragraphs 1 and 2 hereof.

"Nothing in this memorandum shall prevent the Coast Guard from prompt arrest and detention of any person subject to the Uniform Code of Military Justice whenever there is knowledge or reasonable basis to believe that such a person has committed an offense in violation of such code and detaining such person until he is delivered to the Federal Bureau of Investigation if such action is required pursuant to this memorandum.

"Approved:

/s/ Ramsey Clark

Ramsey Clark
Attorney General

Date: 9 October 1967

/s/ Alan S. Boyd

Alan S. Boyd
Secretary of Transportation

Date: 24 October 1967"

EFFECTIVE: 01/31/78

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18-4.1 FBI Interpretation of Memorandum of Understanding

(1) This agreement is similar in all respects to the agreement between the Departments of Justice and Defense covering the investigation and prosecution of military personnel. (The agreement set forth above is the same as the agreement which previously existed between the Departments of Justice and Treasury. A new agreement was signed in October, 1967, because the Coast Guard was made a part of the Department of Transportation rather than the Treasury Department.) Instructions concerning the agreement between the Departments of Justice and Defense apply equally with reference to the Coast Guard Agreement.

(2) If any problems arise in your contacts with the various USAs or military officials relative to this agreement, FBIHQ must be immediately advised.

EFFECTIVE: 05/08/79

18-4.2 MEMORANDUM OF UNDERSTANDING BETWEEN THE DIRECTOR, FEDERAL BUREAU OF INVESTIGATION AND COMMANDANT, UNITED STATES COAST GUARD CONCERNING A POLICY OF MUTUAL ASSISTANCE IN SUPPORT OF COAST GUARD/FEDERAL BUREAU OF INVESTIGATION OPERATIONS TO COUNTERACT TERRORIST ACTIVITIES IN A MARITIME ENVIRONMENT

The following agreement was approved and entered into between the FBI and the United States Coast Guard relative to policy of mutual assistance and support of Coast Guard/FBI organizations to counteract terrorist activities in a maritime environment.

"In recognition of the U.S. Coast Guard's maritime law enforcement responsibility, and the operations of the Federal Bureau of Investigation in counteracting domestic terrorist activities, the following mutual assistance capabilities are identified. The Coast Guard maintains and operates a large number of strategically located floating units, aircraft, vehicles and shore stations. The Federal Bureau of Investigation maintains a large number of strategically located Special Weapons and Tactics teams (SWAT). Coast Guard personnel are trained to react to law enforcement activities in a maritime environment, while the FBI has personnel who are specifically trained to act as negotiators in dealing with terrorists' demands and SWAT teams to use in suppressing terrorists' actions during direct confrontation scenarios. The unique capabilities of the two forces in

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a combined effort to counteract a terrorist takeover in the maritime environment is recognized.

"Close coordination and cooperation between forces of both Agencies is necessary to insure adequate response to potential terrorist activities involving such targets as offshore platforms, port and harbor facilities, liquefied natural gas (LNG) terminals and vessels, floating nuclear power plants, U.S. or foreign vessels within United States jurisdiction and any other target(s) which may require Coast Guard and FBI response.

"Accordingly, it is hereby understood and agreed upon that, subject to operational and budgetary constraints, the Agencies making this agreement will provide mutual support to each other in situations involving terrorist activities, threatened or real, and that each Agency will take necessary steps to establish local operating procedures to implement this agreement. It is further agreed that continued planning by the two concerned Agencies will include the development of a specific communications, command and control policy between Coast Guard Districts and FBI Regional offices.

"A basic objective of this agreement is to insure a coordinated effort to counteract terrorist activities in the maritime environment. Further, it is expected that this agreement will serve to eliminate delays in response time and insure continued development of procedures and contingency plans to counteract terrorist activities in the maritime environment.

/s/ John B. Hayes

John B. Hayes
Commandant
United States Coast Guard

Date: April 17, 1979

EFFECTIVE: 05/08/79

/s/ William H. Webster

William H. Webster
Director
Federal Bureau of
Investigation

Date: March 23, 1979"

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18-4.3 FBI INTERPRETATION OF MEMORANDUM OF UNDERSTANDING

(1) While the U.S. Coast Guard has some law enforcement responsibilities on the high seas and in waters subject to the jurisdiction of the United States as provided by Title 14, USC, Sections 2 and 84, the FBI has taken the position, with the support of the Criminal Division, Department of Justice, that the FBI has primary investigative authority over certain crimes upon the high seas. Additionally, the United States Attorneys Manual indicates at Section 9-1.200, et seq that the FBI is the primary investigative agency for all the maritime crimes contained in Title 18 of the USC.

(2) It should be noted that the Memorandum of Understanding is meant to apply to a limited situation, e.g., terrorist attacks in a maritime environment. The Memorandum of Understanding basically contemplates cooperation between the U.S. Coast Guard and FBI Special Weapons and Tactics (SWAT) teams and hostage negotiators, and its application is limited to terrorist attacks. Cooperation in regard to investigation of other crimes on the high seas can be included, however, at a later time, if desirable.

(3) The Memorandum of Understanding also necessitates the development of standing lines of communication between FBI field offices and U.S. Coast Guard district offices. In view of the unique conditions existing in each area, such channels would be desirable to resolve local problems. However, FBI Headquarters will have supervisory authority over the actions of field divisions, in keeping with Bureau policy.

EFFECTIVE: 05/08/79

18-5 DOJ GUIDELINES FOR INVESTIGATIVE JURISDICTION OF FBI AND IRS

In order to eliminate, where possible, a duplication of investigative effort and to ensure a greater exchange of information between the FBI and IRS, the Department has drawn up a set of guidelines regarding investigative jurisdiction of Federal gambling violations; namely, the interstate transmission of wagering information, interstate transportation in aid of racketeering, and interstate transportation of wagering paraphernalia statutes. In the majority of cases that we investigate under these statutes, IRS, from the nature of the wagering tax laws, will have an interest also. The following guidelines are to be utilized by both agencies in such

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instances. Each USA has been furnished a copy of these guidelines by the Department.

"Guidelines Regarding Investigative Jurisdiction of
Federal Gambling Violations

"In order to minimize any duplication in investigative effort between IRS and FBI field offices investigating potential violations of the wagering tax laws and the new anti-gambling legislation, the following guidelines appear appropriate.

"(1) The FBI and the IRS will continue to exchange current information regarding gambling operations which have come to the attention of each agency.

"(2) Upon the receipt of sufficient basic facts to indicate a potential violation of the anti-gambling statutes or wagering tax laws, the FBI and the IRS will notify each other prior to commencing an investigation involving such statutes within their respective jurisdictions. When the investigations involve a taxpayer who is a subject of interest to the Organized Crime and Racketeering Section of the Criminal Division the responsible Department of Justice attorney will also be notified.

"(3) If such notification reveals an apparent duplication of investigative effort, appropriate representatives of the FBI and the IRS in the field will meet to assign responsibility for the investigation to the agency whose investigation has the best potential for prosecution, depending upon the Federal statutes apparently involved and all the relevant investigative circumstances. Where it is deemed mutually desirable by the agencies, preliminary investigation might be appropriately conducted prior to any assignment of responsibility for the investigation to a single agency.

"(4) In the event that the agency representatives cannot agree as to the assignment of responsibility for a particular investigation, the matter should be resolved after discussion with the responsible United States Attorney or Department of Justice attorney.

"(5) Where statutory violations within the jurisdiction of the other agency become apparent in the middle or later stages of an investigation being conducted by either the IRS or the FBI, the agency conducting the investigation will immediately notify the other agency of the relevant facts. Responsibility for further investigation of the individual violations of law will be determined after discussion between representatives of the two agencies. If the agencies are

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unable to agree as to the assignment of responsibility for further investigation, the matter should be resolved after discussion with the responsible United States Attorney or Department attorney. Depending on the circumstances, it may be preferable for such further investigation of all statutory violations to be conducted by a single agency. In such event it is expected that the other agency would cooperate and render such assistance as is deemed within its competence and capacity."

EFFECTIVE: 05/08/79

18-5.1 FBIHQ Instructions for IRS Guidelines

(1) FBIHQ will continue to make available to IRS current information of interest to that agency which is developed in the course of our investigations.

(2) With regard to item two of the guidelines as it pertains to notifying IRS when there is indication of a potential violation of wagering tax laws, such notification should be made after sufficient facts are developed to determine the logical procedures to follow and at a time when same would be more meaningful. With reference to investigations involving a taxpayer, referred to in the same item, this pertains to individuals whose names are included on a list of active gamblers maintained by Department's Criminal Division. Inasmuch as copies of all reports involving the three statutes named above are furnished the Department by FBIHQ, such should tend to serve notice to the Department that we are investigating an individual on that list. It is anticipated that when the Department receives our reports and checks its files it will thus be on notice that one of these individuals is currently being investigated.

(3) Items three and four of the guidelines are self-explanatory in that the USA should be consulted where there appears to be a duplication of investigative effort and such cannot be resolved by field representatives of both agencies. In connection with item five, regarding the assignment of investigation to a single agency, responsibility for an investigation should be definitely fixed in one agency insofar as an individual violation is concerned. In this way each agency would retain its own jurisdiction and the one whose case had the best potential for prosecution would continue its investigation. Furthermore, with regard to one agency proceeding with an investigation and the other rendering such assistance as is deemed within its competence and capacity, the agency proceeding with its

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investigation should be furnished with all pertinent information of assistance by the other agency. This will preclude the necessity for any joint investigation and result in each agency handling its own violation completely.

(4) Each office should make every effort to avoid overlapping of jurisdiction which these guidelines are intended to minimize. It is recognized that at least preliminary investigation is necessary before any of these matters can be logically discussed by both agencies. It is the feeling of FBIHQ that the matter of jurisdiction in the majority of instances can be resolved on a field level by the two agencies and that the necessity for contacting the USA or Department attorney would be rare.

(5) FBIHQ should be kept advised of any matters in this regard that are discussed with the USA, and also should be advised of any investigative action withheld through agreement with IRS or on recommendation of the USA.

EFFECTIVE: 01/31/78

18-6 AGREEMENT BETWEEN FBI AND SECRET SERVICE

"AGREEMENT BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE UNITED STATES SECRET SERVICE CONCERNING PROTECTIVE RESPONSIBILITIES

"I. Purpose of Agreement

"The Federal Bureau of Investigation (FBI) originates, and receives from other sources, large numbers of reports on individuals and organizations. One purpose of this agreement is to define that portion of the information on file with, or received or originated by, the FBI, which the United States Secret Service (USSS) desires to receive in connection with its protective responsibilities.

"The USSS has statutory authority to protect, or to engage in certain activities to protect, the President and certain other persons. (Certain other persons, as used in this agreement, refers to those persons protected by the Secret Service under Title 18, U.S. Code, Section 3056.) The authority of the USSS to protect the President or certain other persons is construed to authorize it to investigate organizations or individuals and to interview individuals

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who might constitute a threat to the President or certain other persons. The FBI has statutory authority to investigate assault, killing or kidnaping and attempts or conspiracies to kill or kidnap the President and other designated individuals.

"The FBI will make available to the USSS information it may request or information which by its nature reveals a definite or possible threat to the safety of the President and certain other persons.

"A second purpose of this agreement is to insure the most effective protection for the President and certain other persons by establishing a clear division of responsibility between the FBI and USSS. Such division will also avoid compromising investigations or sources and needless duplication of effort.

"II. General Responsibilities

"The USSS is charged by Title 18, U.S. Code, Section 3056, with the responsibility of protecting the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer in the order of succession to the office of President, and the Vice President-elect; protecting the person of a former President and his wife during his lifetime and the person of a widow of a former President until her death or remarriage, and minor children of a former President until they reach 16 years of age, unless such protection is declined; protecting persons who are determined from time to time by the Secretary of the Treasury, after consultation with the Advisory Committee, as being major Presidential and Vice Presidential candidates who should receive such protection (unless the candidate has declined such protection); protecting the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad (unless such persons decline protection).

"The Executive Protective Service, under the control of the Director, USSS, is charged by Title 3, U.S. Code, Section 202, with protection of the Executive Mansion and grounds in the District of Columbia; any building in which Presidential offices are located; foreign diplomatic missions located in the metropolitan area of the District of Columbia; and foreign diplomatic missions located in such other areas in the United States, its territories and possessions, as the President, on a case-by-case basis, may direct.

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"The FBI is charged under Title 18, U.S. Code, Section 1751, with investigative jurisdiction over the assault, killing or kidnaping, and attempts or conspiracies to assault, kill or kidnap the President of the United States and other designated individuals.

"The FBI has responsibility for Federal investigations of all violations of Title 18, U.S. Code, Sections 112, 970, 1116-1117 and 1201, relating to the Act for the Protection of Foreign Officials and Official Guests in the United States.'

"The FBI has investigative jurisdiction over violations of a wide range of the criminal statutes of the United States including primary jurisdiction over matters affecting the internal security of the United States.

"III. Exchange of Information and Coordination of Responsibilities

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"The USSS agrees that it will conduct no investigation of individuals or groups identified or suspected of being threats to the internal security of the United States without notifying the FBI. However, when time for consultation is not available, and an

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indication of immediate danger exists, the USSS may take such action as is necessary with respect to carrying out its protective responsibilities. Any information obtained by the USSS during such action will be furnished to the FBI as expeditiously as possible.

"The FBI will not conduct investigation of individuals or groups solely for the purpose of establishing whether they constitute a threat to the safety of the President and certain other persons unless there is an indication of a violation of Title 18, U.S. Code, Section 1751, or other statute over which the FBI has jurisdiction.

"It will be the responsibility of the FBI to advise the USSS when investigation is being initiated under Title 18, U.S. Code, Section 1751 and thereafter to furnish the USSS with copies of the FBI investigative reports as they are prepared. It will be the responsibility of the USSS to furnish the FBI any information in its possession or which may come to its attention which reasonably indicates that a violation of Title 18, U.S. Code, Section 1751, has been or is being committed.

"The USSS also agrees to furnish the FBI any information in its possession or which may come to its attention indicating a violation of any other statutes over which the FBI has investigative jurisdiction.

"The FBI, under its responsibility for investigation of violations of Title 18, U.S. Code, Sections 112, 970, 1116-1117, 1201 and 1751 will take cognizance of the protective responsibilities of the Treasury Department under Title 3, U.S. Code, Section 202 and Title 18, U.S. Code, Section 3056 and thus does not limit or interfere with the authority of the Secretary of the Treasury in the discharge of his statutory protective responsibilities. This is not to be construed as vesting concurrent investigative jurisdiction with the Treasury Department with respect to investigations of individuals or organizations engaged in activities affecting the national security including terrorism, treason, sabotage, espionage, counter-espionage, rebellion or insurrection, sedition, seditious conspiracy, neutrality matters, Foreign Agents Registration Act, or any other Statute or Executive Order relating to national security. Any investigations of such groups or individuals for any reasons other than in connection with protective responsibilities must be closely coordinated with and have the concurrence of the FBI in order to minimize interference with national security responsibilities of the FBI.

"IV. Information to be Furnished to the United States Secret Service by the Federal Bureau of Investigation

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[REDACTED]

[REDACTED]

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"B. Types of information to be referred:

[REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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"V. Provision of Federal Bureau of Investigation Personnel to Protect the President and Other Protected Persons

"The USSS may, in accordance with Title 18, U.S. Code, Section 3056 request FBI Agents be detailed to the USSS in order to augment the capacity of the USSS to perform its protective duties. Such requests should be addressed to the Director of the FBI.

"FBI Agents detailed to the USSS are under the direction and exclusive operational control of the Director of the USSS for the period of their assignment. The FBI agents so detailed may perform an armed or other protective function.

"VI. Implementation of Agreement

"In order to effect the best possible security of the President and certain other persons and places whose protection is the responsibility of the USSS, the FBI and the USSS will construe the terms of this agreement liberally and will take such steps as are necessary to insure the proper exchange and coordination of information.

"The agreement shall be reviewed annually by representatives of the FBI and the USSS, or at such other times as the FBI or the USSS may request, to insure that the agreement is both

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practical and productive. Revisions may be made on the authority of the Director of the FBI and the Director of the USSS.

"This agreement supersedes all prior agreements between the FBI and the USSS.

July 16, 1973
Date

BY /s/ Clarence M. Kelley
Director
Federal Bureau of
Investigation

July 30, 1973
Date

BY /s/ James J. Rowley
Director
United States Secret
Service"

EFFECTIVE: 01/31/78

18-7 MEMORANDUM OF UNDERSTANDING BETWEEN FBI AND ERDA

"MEMORANDUM OF UNDERSTANDING BETWEEN THE ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION AND THE FEDERAL BUREAU OF INVESTIGATION FOR RESPONDING TO NUCLEAR THREAT INCIDENTS

"I. PURPOSE - In recognition of the responsibilities and functions of the Energy Research and Development Administration, hereinafter referred to as ERDA; and the Federal Bureau of Investigation, hereinafter referred to as the FBI, under the Atomic Energy Act of 1954, this Memorandum of Understanding sets forth the responsibilities of each agency with regard to nuclear threat incidents.

"II. IMPLEMENTATION - ERDA and the FBI will develop and exchange such additional instructions and operating procedures as are deemed necessary to the continued implementation of this Memorandum of Understanding:

"III. RESPONSIBILITIES

"A. FBI - The FBI is responsible for investigating all alleged or suspected criminal violations of the Atomic Energy Act as set forth in Section 221 b. of that Act. The mission of the FBI in a

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nuclear threat incident is to take primary jurisdiction where a question of the violation of Federal law exists and, where appropriate, to coordinate the utilization of available resources in the interest of the public health and safety.

"It is therefore understood that the FBI shall:

"1. Assume jurisdiction over all field organizations associated with a nuclear threat incident.

"2. Establish and maintain contacts and coordinate nuclear threat incidents with other Federal and local law enforcement agencies, and military authorities, as appropriate.

"3. Ensure that all reasonable measures are provided for the security from physical violence of personnel and equipment to be utilized in search, deactivation, and cleanup operations related to a nuclear threat incident, and on the advice and recommendation and with the assistance of specially trained ERDA and/or DOD teams, ensure that all reasonable measures are provided for the safety of personnel from radiological hazard.

"4. Designate a liaison representative to accompany ERDA Nuclear Emergency Search Team (NEST) personnel to the scene of a threat incident for the purpose of coordinating with local FBI officials and law enforcement agencies.

"5. Promptly notify National Command Authority of any nuclear threat incident.

"6. Promptly notify ERDA Headquarters of any actual or alleged nuclear threat incident reports.

"7. Promptly provide ERDA with the exact wording of threat messages, copies of drawings, nuclear material samples, or other intelligence related to a threat for scientific analysis and credibility assessment.

"8. Promptly provide ERDA with all available information pertinent to an assessment of a threat perpetrator's technical capabilities to carry out a threat.

"9. At the scene of a nuclear threat incident, provide necessary support as may be needed by ERDA NEST personnel in carrying out assigned operations.

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"10. Request assistance of DOD/Civil Explosive Ordnance Disposal (EOD) resources, as appropriate.

"B. ERDA - The mission of ERDA in a nuclear threat incident is to provide expert assistance to the FBI upon notification of the existence of such an incident.

"It is therefore understood that ERDA shall:

"1. Activate the ERDA Headquarters Emergency Action and Coordination Team (EACT), as appropriate, to coordinate with the FBI and direct ERDA's involvement in a nuclear threat incident.

"2. Provide scientific and technical support for threat assessment and search operations, device deactivation, relocation and storage of special nuclear material evidence, and/or in post-incident cleanup.

"Scientific and technical support shall include:

"a. Analysis of threat messages for technical content, nuclear design feasibility, and general credibility.

"b. Prediction as to the size of a potential nuclear burst as may occur from the successful detonation of a threatened nuclear device activation.

"c. Prediction of contamination zones and radioactivity levels.

"d. Recommendations for evacuation.

"e. Recommendations for special search techniques.

"f. Operations of special search techniques.

"g. Identification of isotopes.

"h. Recommendations for special EOD procedures and techniques.

"i. Identification of nuclear weapons and components.

"j. Identification of radioactive hazards during cleanup activities and bomb scene investigation.

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"k. The provision of personnel who are expert in nuclear weapon design, health physics, special detectors, explosives, nuclear materials, arming and firing systems, radiography, transportation and storage of nuclear materials, and contamination prediction.

"3. Acquire, maintain, and make available any special equipment and capabilities required to provide the necessary scientific and technical support.

"4. Coordinate nuclear threat incident activities with the Nuclear Regulatory Commission (NRC), as appropriate. (Nuclear threat incidents involving facilities or material within the jurisdiction of the NRC are initially reported by NRC to the FBI.)

"5. Arrange for any special transportation of ERDA equipment and personnel, and/or nuclear evidence, as required during a nuclear threat incident.

"6. Notify and request assistance from the DOD and civilian agencies for post-incident cleanup activities as soon as appropriate.

"7. Have final authority in matters of (a) Restricted Data classification and (b) ERDA-originated National Security Information classification associated with source material, special nuclear material, radioactive byproducts, or nuclear weapons/components.

"8. Provide, upon request by the Justice Department, scientific and technical information and testimony for use in any legal action taken by the Department of Justice.

"C. JOINT

"The FBI and ERDA shall:

"1. Coordinate all proposed press releases related to nuclear threat incidents. Any media or public inquiries will be initially referred to the FBI; responses to such inquiries will be coordinated with ERDA.

"2. Where appropriate, identify individuals assigned to fulfill the positions and responsibilities outlined in Section IV. B., 1, and 2, and 3.

"3. Treat all threat incident information with adequate

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security and confidentiality commensurate with National Security guidelines and the standards for the preservation of criminal evidence.

"4. Review, as appropriate, the events leading to and occurring during any nuclear threat incident alert for the purpose of improving upon future joint responses.

"5. Provide a mechanism for coordinated planning and the testing of nuclear threat incident management, equipment and personnel.

"IV. STANDARD PROCEDURES

"A. INITIAL NOTIFICATION

"1. Nuclear threat incidents could be reported to either the FBI or ERDA. Upon receipt of such a report the agency informed shall immediately notify the other agency about the situation and as to the exact information known.

"2. Both agencies shall notify, as appropriate, the various branches, offices or individuals within their jurisdictions about the situation and what actions might be required.

"B. POINTS OF CONTACT

"1. The FBI will designate a Special Agent to take command of field operations in a nuclear threat incident, and a Special Agent to act as a liaison officer with ERDA at the Headquarters level.

"2. The ERDA Headquarters EACT will command the ERDA Headquarters Operations Center and the Director, EACT, will direct an ERDA Field Manager of Operations to act as ERDA representative for field operations in a nuclear threat incident.

"3. The Director, EACT, will consult with the FBI and will assign NEST personnel to provide required support in a nuclear threat incident. An FBI liaison representative will be designated to accompany NEST personnel to the scene of a threat incident for local coordination purposes.

"4. Points of contact with other involved Federal agencies will be maintained by the Director, EACT, as appropriate.

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"C. THREAT ASSESSMENT

"1. ERDA will provide scientific and technical support for determining the credibility of specific nuclear threats and the potential hazard associated with those threats.

"2. ERDA will endeavor to verify, with the cooperation of the NRC and/or DOD, whether any source material, special nuclear material, radioactive byproducts, or ERDA nuclear weapons/components are missing or unaccounted-for.

CLEANUP "D. SEARCH, DEVICE DEACTIVATION, AND POST-INCIDENT SUPPORT

"1. ERDA will dispatch, upon request of the FBI, an ERDA NEST response group and any necessary specialized equipment to the scene of an incident.

"2. The ERDA NEST lead representative on-scene will:

"a. Direct the activities of the ERDA response group in support of the FBI Agent in Charge.

"b. Ensure coordinated ERDA support in all matters pertaining to search and identification operations and bomb scene examinations.

"c. Ensure coordinated ERDA support of the EOD services associated with any device deactivation operations.

"d. Ensure coordinated ERDA support with the DOD and other civilian agencies, as currently provided for under other agreements, for post-incident cleanup operations.

"e. Advise the on-scene Special Agent in Charge of any requirement for additional ERDA response capabilities and coordinate the provision of such additional capabilities as may be mutually agreed upon.

"3. The on-scene Special Agent in Charge will:

"a. Establish and maintain all local contacts with other law enforcement agencies.

"b. Direct the on-scene activities of the FBI and other law enforcement agencies.

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- "c. Establish a field command post.
- "d. Provide for necessary escorts as may be required to facilitate rapid movement of ERDA and ERDA contractor personnel and equipment to the scene of a threat incident.
- "e. Direct the recovery operation of lost or stolen special nuclear materials, radioactive byproducts, and nuclear weapons/components.

"E. MAJOR EMERGENCY DISASTER -- In the event of a major emergency/disaster, ERDA will assist in the response to post-incident cleanup requirements in coordination with the DOD, and various civilian agencies as currently provided for under other agreements. ERDA will request assistance from the DOD as provided for in the Joint DOD and ERDA Agreement in Response to Accidents and Incidents Involving Radioactive Materials and Nuclear Weapons.

"V. EMERGENCY ASSISTANCE EXPENSE - ERDA and the FBI will each fund for the costs incurred in providing the necessary assistance required to meet the responsibilities defined in this Memorandum of Understanding.

"This Memorandum of Understanding takes effect immediately.

/s/ Alfred D. Starbird
Assistant Administrator for National
Security
Energy Research and Development
Administration

6/11/76
Date

/s/ Clarence M. Kelley
Clarence M. Kelley
Director
Federal Bureau of Investigation"

6/8/76
Date

(NOTE: See Appendix next for definitions and abbreviations.)

APPENDIX

"DEFINITIONS AND ABBREVIATIONS

DOD - Department of Defense

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EACT - ERDA Headquarters Emergency Action and Coordination Team composed of representatives of the Divisions of Military Application; Safeguards and Security; Operational Safety, and the Office of Public Affairs

EOD - Explosive Ordnance Disposal, U.S. Army

ERDA - Energy Research and Development Administration

FBI - Federal Bureau of Investigation

NEST - Nuclear Emergency Search Team

NRC - Nuclear Regulatory Commission

Nuclear Threat Incident - Any situation involving stolen, lost or unauthorized possession of source materials, radioactive byproducts, nuclear weapons/devices of U.S. and/or foreign manufacture, improvised nuclear explosives, radioactive dispersal devices or the threatened use of said items.

Source Material - The term "source material" means (1) uranium, thorium or any other material which is determined by the Administration pursuant to the provisions of Section 61 of the Atomic Energy Act to be source material; or (2) ores containing one or more of the foregoing materials, in such concentration as the Administration may by regulation determine from time to time.

Special Nuclear Material - The term "special nuclear material" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, and any other material which the Administration, pursuant to the provisions of Section 51 of the Atomic Energy Act determines to be special nuclear material, but does not include source material; or (2) any material artificially enriched by any of the foregoing, but does not include source material.

Radioactive Byproduct - The term "radioactive byproduct" means any

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radio active material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material.

Improvised Nuclear Explosive Device - Any non-conventional explosive device containing nuclear or radioactive material in combination with explosives."

EFFECTIVE: 01/31/78

18-8 | "MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND THE NUCLEAR REGULATORY COMMISSION REGARDING NUCLEAR THREAT INCIDENTS INVOLVING NRC LICENSED FACILITIES, MATERIALS, OR ACTIVITIES

"I. PURPOSE

"In recognition of the responsibilities and functions of the Federal Bureau of Investigation (FBI) and the Nuclear Regulatory Commission (NRC) under the Atomic Energy Act of 1954, as amended, this Memorandum of Understanding (MOU) delineates the responsibilities of each agency regarding nuclear threat incidents involving NRC-licensed facilities, materials, or activities. (This agreement does not affect the procedures and responsibilities set forth in the November 23, 1988, Memorandum of Understanding between the NRC and the Department of Justice (DOJ) regarding cooperation concerning NRC enforcement actions, criminal prosecution by DOJ, and the exchange of pertinent information.)

"Having closely related statutory responsibilities with regard to nuclear materials, facilities, and activities in the United States, the FBI and NRC must cooperate fully in carrying out their respective responsibilities in the interest of achieving:

"1. Effective communication and exchange of relevant information, and

"2. A timely, reliable, and effective response to a nuclear threat incident.

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"II. DEFINITIONS

"For the purpose of this agreement, nuclear threat incidents are defined as threats, or acts of theft or sabotage in the U.S. nuclear industry, including the following:

"Theft or attempted theft of NRC-licensed special nuclear material.

"Sabotage or attempted sabotage of NRC-licensed nuclear facilities or NRC-licensed transportation activities.

"Attacks on NRC-licensed nuclear facilities or activities.

"Credible threats involving NRC licensed facilities, materials, or activities.

"III. RESPONSIBILITIES

"A. The FBI

"The FBI derives the authority to investigate criminal matters related to NRC licensed facilities, materials, or activities from the Atomic Energy Act of 1954, as amended; Title 18, Section 831 "Prohibited transactions involving nuclear materials," and other Federal statutes as may be applicable. The FBI has been designated as the lead agency for coordinating the Federal response to acts of terrorism within the United States by National Security Decision Directive (NSDD) Number 207 and the National System for Emergency Coordination (NSEC).

"It is therefore understood that the FBI shall:

"1. Provide to NRC, intelligence information concerning possible criminal acts relative to the security of nuclear facilities, materials, or activities.

"2. Notify NRC when allegations of a serious nature arise, or derogatory information is developed involving licensee personnel occupying positions considered critical to the safety and security of nuclear facilities or activities.

"3. Investigate ongoing nuclear-related threat situations; advise NRC regarding the credibility and danger of such threats.

"4. Establish liaison and develop contingency response plans

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with pertinent local law enforcement agencies to ensure effective and coordinated law enforcement response operations.

"5. In accordance with the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986, conduct identification and criminal history records checks on individuals with unescorted access to NRC licensed nuclear power plants or access to Unclassified Safeguards Information.

"6. Establish liaison with pertinent NRC Headquarters staff, NRC regional offices, and licensed facilities to ensure effective information exchange, threat evaluation, and contingency response planning.

"In the event of a nuclear threat incident the FBI shall:

"7. Coordinate the Federal response to a nuclear threat incident involving NRC-licensed facilities, materials, or activities. The FBI will rely on the NRC on matters concerning public health and safety, as they relate to the nuclear facility, material, or activity.

"8. Manage the law enforcement and intelligence aspects of the response to a nuclear threat incident involving NRC-licensed facilities, materials, or activities.

"9. Establish and maintain contacts and coordinate the incident response with other Federal and local law enforcement agencies and military authorities, as appropriate.

"10. Ensure that all reasonable measures are provided to ensure the physical safety and security of all NRC personnel and equipment to be used in support of the incident.

"11. Promptly provide NRC with all information applicable to an assessment of a perpetrator's operational capability to carry out a threat.

"12. At the scene of a nuclear threat incident, provide the necessary support, as may be needed by NRC personnel, in carrying out assigned operations and actions to protect the public from radiological hazards.

"13. Request Department of Defense (DOD)/Civil Explosive Ordnance Disposal (EOD) resources, as appropriate.

"B. The NRC

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"NRC shall provide, to the extent compatible with its primary mission to protect the public's health and safety, as required by the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, and the Omnibus Diplomatic Security (Act) and Anti-Terrorism Act of 1986, scientific and technical support to the FBI upon notification of the existence of a nuclear threat incident.

"It is therefore understood that NRC shall:

"1. Review and correlate intelligence information on possible criminal acts received from the FBI; evaluate potential adversary capabilities and trends as a basis for rulemaking, evaluations, and systems design.

"2. When informed of an FBI investigation involving an NRC licensed nuclear facility or activity, will promptly provide to the FBI investigating office a list of all positions considered critical to the safety and security of that facility or activity.

"3. Establish liaison with FBI Headquarters staff and field office personnel to ensure effective information exchange, threat evaluation, and contingency response planning.

"4. Support joint operational readiness planning between licensees and associated local law enforcement agencies for prompt law enforcement response assistance when needed at licensed facilities or activities.

"5. Notify the FBI of threats involving NRC-licensed nuclear facilities, materials, or activities; assist the FBI in evaluating the nuclear aspects and the credibility of such threats, as appropriate.

"6. Disseminate, with the approval of the FBI, to the affected licensees, alert and warning information received from the FBI about specific nuclear-related threats.

"In the event of a nuclear threat incident, NRC shall:

"7. Plan for and manage the public health and safety aspects of the response to a nuclear threat incident involving NRC-licensed facilities, materials, or activities.

"8. Provide NRC field liaison and technical assistance to the FBI at the scene of an incident.

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"9. Evaluate the radiological hazards of the particular incident and provide technical assessment of any potential or actual impact upon the public health and safety.

"10. Ensure that all reasonable measures are provided for the health and safety of all FBI personnel and equipment involved in the support of the incident.

"11. Provide for the health and safety of the public from radiological hazards.

"C. Joint

"The FBI and NRC shall:

"1. Coordinate all proposed press releases related to nuclear threat incidents involving NRC-licensed facilities, materials, or activities.

"2. Identify individuals assigned to fulfill the positions and responsibilities outlined in Section III of this agreement.

"3. Handle all threat incident information with adequate security and confidentiality commensurate with national security guidelines and the standards for the preservation of criminal evidence.

"4. Review and evaluate the events leading to and occurring during a nuclear threat incident for the purpose of improving upon future joint responses.

"5. Exercise and test nuclear threat incident management procedures, equipment, and personnel.

"IV. STANDARD PROCEDURES

"A. Initial Notification

"1. Nuclear threat incidents involving NRC-licensed facilities, materials, or activities may be reported to either the FBI, NRC, or others. Upon receipt of a reported threat, the agency informed shall immediately notify the other concerned agencies about the situation and exact information known.

"2. The FBI and NRC will notify appropriate individuals and

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offices of any nuclear emergency in accordance with current procedures and agreements.

"B. Points of Contact

"1. The FBI Special Agent in Charge of the responding FBI field office will take command of the field operations in a nuclear threat incident involving NRC-licensed facilities, materials, or activities. At the Headquarters level, a Special Agent may be designated to act as a liaison officer with the NRC Executive Team (ET).

"2. The NRC Headquarters ET will convene and during the initial stage of the response will direct NRC activities. The Director may transfer authority for managing the NRC emergency response to the Director of Site Operations.

"3. The FBI and NRC field representatives will coordinate and cooperate with each other in carrying out their respective responsibilities. The FBI and NRC representatives will report on the situation and make recommendations to their respective agencies regarding the need for additional assistance at the scene.

"4. The FBI and NRC will maintain points of contact with the other Federal agencies involved in responding to a nuclear threat incident involving NRC-licensed facilities, materials, or activities.

"V. THREAT ASSESSMENT

"1. NRC will provide scientific and technical advice for determining the credibility of specific nuclear threats and potential hazards associated with those threats.

"2. NRC will endeavor to verify, with the cooperation of the Department of Energy and/or the Department of Defense, whether any source material, special nuclear material, or radioactive by-products, are missing or unaccounted for.

"VI. FUNDING RESPONSIBILITIES

"Interest parties will each fund for the cost incurred in providing the necessary assistance required to meet the responsibilities defined in this MOU.

"VII. TERMS OF AGREEMENT

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"1. This Agreement will become effective immediately upon signature by all parties and shall continue in effect unless terminated by any party upon 120 days notice in writing to all other parties.

"2. Amendments or modifications to this Agreement may be made upon written notice by all parties to the Agreement.

"For the Federal Bureau of Investigation

/s/ William S. Sessions, date May 29, 1991
William S. Sessions
Director

"For the Nuclear Regulatory Commission

/s/ Kenneth M. Carr, date 13 March 1991
Kenneth M. Carr
Chairman"

EFFECTIVE: 08/28/91

18-9 "JOINT FEDERAL BUREAU OF INVESTIGATION, DEPARTMENT OF ENERGY AND DEPARTMENT OF DEFENSE AGREEMENT FOR RESPONSE TO IMPROVISED NUCLEAR DEVICE INCIDENTS

"I. PURPOSE AND SCOPE.

"To set forth and define specific areas of responsibility and procedures for responding to emergencies involving improvised nuclear devices (IND) within the United States, District of Columbia, Commonwealth of Puerto Rico, and U.S. possessions and territories, by representatives of the Federal Bureau of Investigation (FBI), Department of Energy (DOE), and the Department of Defense (DOD). These provisions amplify the current DOD/DOE Agreement of 1 March 1977, DOE/FBI Memorandum of Understanding of June 1976 dealing with response to accidents or incidents involving nuclear material, and the Attorney General's letter to the Secretary of Defense on assistance to Federal agencies in combatting terrorism, dated November 10, 1972.

"II. TERMS OF AGREEMENT.

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"a. This agreement shall be effective upon signature by representatives of the Federal Bureau of Investigation, the Department of Energy, and the Department of Defense.

"b. Amendments, modifications, or termination of this agreement may be made by written agreement of all parties.

"III. POLICY.

"In the event of a Nuclear Threat Incident involving an Improvised Nuclear Device (IND), the Federal Bureau of Investigation is responsible, as set forth in Section 221.b. of the Atomic Energy Act, as amended, for investigating all alleged or suspected criminal violations of that Act. The FBI has primary jurisdiction where a question of the violation of Federal law exists and, where appropriate, will coordinate the utilization of available resources in the interest of public health and safety.

"The Department of Energy and the Department of Defense will provide assistance and support to the FBI as listed in Section V of this agreement.

"IV. IMPLEMENTATION.

"Each party will issue its own departmental instructions and detailed operating procedures implementing this agreement and will develop and exchange additional instructions and procedures as are deemed necessary to be continued implementation of this agreement.

"V. RESPONSIBILITIES.

"a. The Federal Bureau of Investigation will:

"1. Act as the Federal agency in charge at the scene of an IND incident and assume jurisdiction over all field organizations.

"2. Establish and maintain contacts and coordinate IND incident support requirements with other Federal and local law enforcement agencies.

"3. Provide security for personnel and equipment to be utilized in search, deactivation, and cleanup operations.

"4. Provide, at the incident scene, a representative to act as liaison with Federal and local authorities.

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"5. Notify appropriate individuals and offices of any nuclear threat incident.

"6. Notify DOE Headquarters of support requirements and provide:

"(a) The exact wording of threat messages, copies of drawings, nuclear material samples, or other related intelligence for scientific analysis and credibility assessment.

"(b) All information pertinent to an assessment of a threat perpetrator's technical capabilities to carry out a threat.

"7. Notify the National Military Command Center (NMCC)/ Emergency Ordnance Disposal (EOD) of support requirements for either standby or deployment.

"8. Provide additional support as required by DOE and DOD/EOD personnel in carrying out assigned operations.

"b. The Department of Energy, upon notification by the FBI of an IND incident, will:

"1. Provide scientific and technical assistance and advice to the FBI and DOD in the areas of threat assessment and search operations, device deactivation, hazards assessment, containment, relocation and storage of special nuclear material evidence, and in post-incident cleanup.

"2. Analyze threat messages for technical content, nuclear design feasibility, and general credibility and provide such analyses to the FBI.

"3. Acquire, maintain, and make available any special equipment and capabilities required to provide the necessary scientific and technical support.

"4. Coordinate IND incident activities with the Nuclear Regulatory Commission (NRC), as appropriate. (IND incidents involving facilities or material within the jurisdiction of the NRC are initially reported by NRC to the FBI.)

"5. Arrange for any special transportation of DOE equipment, personnel, and/or nuclear material, as required.

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"6. Notify the DOD and civilian agencies of, and request assistance for, post-incident cleanup activities as soon as appropriate.

"7. Have final authority concerning the classification of Restricted Data and DOE-originated National Security Information associated with source material, special nuclear material, radioactive by-products, or nuclear weapons/components.

"8. Provide, upon request by the FBI, ~~scientific and technical information and testimony for use in any~~ legal action undertaken by the Department of Justice.

"c. The Department of Defense, upon request by the FBI, will:

"1. Provide EOD technical and operational assistance to the FBI.

"2. Provide EOD technology, procedures and equipment for working point access, device deactivation, and nonnuclear device diagnostics.

"d. The FBI, DOE, and DOD will:

"1. Coordinate all proposed press releases related to IND incidents. Any media or public inquiries will be initially referred to the FBI; responses to such inquiries will be coordinated with DOE and DOD.

"2. Treat all IND incident information with adequate security and confidentiality commensurate with National Security classification guidelines and the standards for the preservation of criminal evidence.

"3. Review the IND incident for the purpose of improving upon future joint responses.

"4. Provide a mechanism for coordinated planning and for coordinated training and testing of IND incident management, equipment, and personnel.

"e. The DOE and DOD, in support of the FBI, will:

"1. Develop working point operating procedures

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to be followed after location of an IND.

"2. Provide for:

"(a) IND EOD training material including inert nuclear and high-explosive devices and fuzing and firing systems.

"(b) Realistic training exercises that include participation by all parties (FBI, DOE, and DOD/EOD).

"(c) Training in EOD practices, procedures, and component identification safety precautions for IND.

"(d) Research and development in the areas of render safe and disposal technology including radiation dispersal containment concepts.

"VI. PROCEDURES.

"a. Initial Notification

"1. IND incidents could initially come to the attention of the FBI, DOE or the DOD. Upon receipt of such information, the agency informed shall immediately notify the nearest FBI office and provide all known information. The FBI will officially notify all agencies involved of the incident.

"2. All agencies shall notify the various branches, offices, or individuals concerned within their jurisdictions about the situation and specify what actions and/or resources might be required.

"b. Initial Preparation

"1. The FBI will designate a Special Agent to take command of field operations and Special Agents to act as liaison with DOE Headquarters, local police jurisdictions, and the National Military Command Center.

"2. DOE will consult with the FBI and will assign personnel to provide required support. An FBI liaison representative will be designated by competent authority to accompany DOE personnel to the scene of an IND incident for local coordination purposes.

"3. The NMCC will, upon the receipt of notification by the FBI of a credible IND incident, notify the applicable DOD

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Operations Center which will utilize its established notification system in order to dispatch an EOD unit and other technical and operational support to the incident site. An FBI representative will be designated by competent authority as point of contact for EOD personnel at the scene of an IND incident for local coordination purposes.

"4. The DOD/EOD command post will be collocated in the incident site control center.

"c. Threat Assessment

"1. The FBI with DOE assistance, including DOD participation when appropriate, will provide a threat assessment.

"2. DOE will provide scientific and technical assistance for determining the credibility of specific nuclear threats and the potential hazards associated with those threats and report its assessments to the FBI.

"3. DOE will determine, in coordination with the NRC, if any source material, special nuclear material, or radioactive by-products are missing or unaccounted for and report results to the FBI. DOD and DOE will, when requested by the FBI, determine if any nuclear weapons or components are missing.

"4. The FBI will notify DOD through the NMCC of any credible threat and request DOE and DOD/EOD assistance.

"d. Search and Location

"1. DOE will have primary responsibility for the search and location of IND's.

"2. DOE will dispatch, upon request of the FBI, a DOE response group and necessary special equipment to the scene of an incident.

"3. The DOE response group will, by use of specialized equipment, attempt to determine the presence and location of an IND.

"4. DOE will relay all data relating to the IND including radiological readings, configurations, and location to the FBI and the DOD/EOD team.

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"5. DOD/EOD personnel will identify the presence or suspected presence of booby-trapped devices in the area or structure in which the DOE response group is searching.

"6. The DOD/EOD team present will be responsible for the clearance of any booby-traps or other hazardous items encountered by the DOE team during the search.

"7. The FBI will have primary responsibility for security of, and access to, the location of an IND incident.

"e. Incident Site Reconnaissance and Clearance

"1. DOD/EOD, with DOE technical assistance, will have primary responsibility for incident site reconnaissance and clearance.

"2. DOD/EOD personnel will clear the area/structure of explosive devices.

"3. DOD will provide a qualified individual for safety and coordination of functions at the working point.

"f. Diagnostics and Measurements

"1. DOE, with DOD/EOD assistance, will have primary responsibility for diagnostics and measurements.

"2. DOE personnel will determine, through use of diagnostic and measurement equipment, details of the suspected device, including its structure and function.

"3. Data relative to the anticipated structure and function of the device will be provided by DOE to the FBI and DOD/EOD personnel.

"4. Provide a hazard assessment to the DOD and FBI as related to the incident.

"g. Dispersal Containment Preparations

"1. DOD with DOE and FBI support will have primary responsibility for dispersal containment preparations.

"2. DOD/EOD and DOE personnel will develop, with FBI support, any required containment apparatus for explosive and

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radiological matter.

"h. Device Deactivation

"1. DOD/EOD, with FBI and DOE support, will have the primary responsibility for device deactivation.

"2. DOD/EOD and DOE personnel will develop suitable render safe procedures.

"3. DOD/EOD personnel will perform the approved deactivation procedures. DOD/EOD, FBI, and DOE personnel will work in close cooperation to achieve the deactivation of the device.

"i. Post Incident Operations

"1. The FBI, with support of DOE, DOD and other Federal, state and local authorities will have primary responsibility for post-incident operations.

"2. DOD/EOD and DOE personnel will work closely with, and in support of, the FBI in the preservation of evidence.

"3. DOE and DOD will arrange for any special transportation of nuclear material in coordination with the FBI.

"4. The FBI will request assistance from DOE, DOD, and appropriate civilian agencies for post-incident cleanup.

"j. Major Emergency or Disaster.

"In the event of a major emergency or disaster, DOE will assist in the response to post-incident cleanup requirements in coordination with the DOD and various civilian agencies as provided for under other agreements. DOE will have assistance from the DOD as provided for in the March 1, 1977, DOD and DOE Agreement in Response to Accidents-Incidents Involving Radioactive Material or Nuclear Weapons.

"VII. Emergency Assistance Expense.

"DOD, DOE, and the FBI will each fund for the costs which they incur in providing the equipment and services required to meet their responsibilities defined in this agreement. Any reimbursements which may subsequently be agreed upon by the undersigned in furtherance of this agreement will be in accordance with the Economy

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Act, 31 U.S.C. 8. This agreement takes effect on the last date of signature shown below:

/s/ Duane C. Sewell, date 2/27/80

Duane C. Sewell, Assistant Secretary
for Defense Programs, DOE

/s/ David M. Mullaney, date 1/29/80

David M. Mullaney, Brig. Gen, USAF
Deputy Assistant to the Secretary
of Defense (Atomic Energy)

/s/ William H. Webster, date 2/21/80

William H. Webster, Director
Federal Bureau of Investigation

"Appendix A

"Definitions and Abbreviations

"Improvised Nuclear Device (IND) - Any nonconventional explosive device containing nuclear or radioactive material combined with explosives.

"Nuclear Threat Incident - Any situation involving stolen, lost, or unauthorized possession of source materials, special nuclear materials, radioactive by-products, nuclear weapons/devices of U.S. and/or foreign manufacture, improvised nuclear devices, radioactive dispersal devices, or the threatened use of said items.

"Explosive Ordnance Disposal (EOD) - The detection, identification, field evaluation, rendering-safe, recovery, and final disposal of Unexploded Explosive Ordnance (UXP).

"National Military Command Center (NMCC) - Centralized controlling and notification point to activate and coordinate DOD activities.

"Working Point - The area immediately surrounding the device.

"Special Nuclear Material - The term special nuclear material means (1) plutonium, uranium enriched in the isotope-233 or in the isotope-235, and any other material which DOE, pursuant to the provisions of section 51 of the Atomic Energy Act, as amended,

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determines to be special nuclear material, but does not include source material or (2) any material artificially enriched by any of the foregoing, but does not include source material."

EFFECTIVE: 04/08/80

18-10

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF
JUSTICE AND THE DEPARTMENT OF THE INTERIOR REGARDING
FEDERAL RESPONSE TO CIVIL DISORDER ON INDIAN RESERVATIONS

"The purpose of this agreement is to delineate the responsibilities of the various federal agencies for civil disorder control on Indian reservations in the United States and to identify basic command and control channels and general procedures for such operations. The policy contained herein shall apply to civil disorder situations arising on any Indian Reservation under federal law enforcement jurisdiction, either exclusive or concurrent.

"A current list of reservations and jurisdiction is attached to this agreement and will be updated from time to time as necessary by the Department of the Interior.

"For the purposes of this agreement, a civil disorder is defined as follows:

"The term 'civil disorder' means any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage or injury to the property or person of any other individual." (18, USC, 12, Section 232(1))

"Nothing contained in this agreement shall be construed as in any manner limiting, modifying, or redefining the statutory and other investigative authority of the Federal Bureau of Investigation.

POLICY

"The Attorney General has been designated by the President as chief civilian officer for coordination of all federal government activities relating to civil disturbances, including acts of terrorism within the United States. However, it is the policy of the Attorney General that existing established law enforcement authority on Indian reservations will not be superseded or augmented by Department of Justice law enforcement resources and authority

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unless absolutely necessary and then only at the request of the Secretary of the Interior or his designated representative.

"The primary responsibility for the law enforcement response to a civil disorder situation arising on an Indian reservation under Department of the Interior jurisdiction will rest exclusively with the Assistant Secretary - Indian Affairs or the Commissioner of Indian Affairs or his delegated representative.

"Where local resources are inadequate to deal with civil disorder, the Commander of specially trained Bureau of Indian Affairs law enforcement officers will act as the Commissioner's representative, will be responsible for restoring order. All Bureau of Indian Affairs law enforcement officers engaged in restoration of order on the reservation will operate under the command of the senior Special Operations Service Unit official on site.

"Whenever any civil disorder reaches a point beyond the control capabilities of local and Bureau of Indian Affairs resources, the Department of the Interior may elect to request assistance from the Department of Justice.

"Based upon a request for assistance by the Department of the Interior and an assessment of the civil disorder situation, the Attorney General or the Deputy Attorney General will determine what, if any, response is appropriate and shall so advise the Department of the Interior in a timely manner.

"If a decision is made to intervene, the Attorney General or Deputy Attorney General will order or request deployment of federal civilian or military forces. The selection of Department of Justice resources to be committed shall rest exclusively with the Attorney General or the Deputy Attorney General.

GENERAL PROCEDURES

"1. In the event of an actual or potential civil disorder on an Indian reservation under federal jurisdiction, the Bureau of Indian Affairs will take or direct appropriate law enforcement action and notify the nearest office of the Federal Bureau of Investigation.

"2. The Federal Bureau of Investigation (FBI) office notified will immediately report the incident to the FBIHQ in Washington. FBIHQ will immediately notify the Office of the Deputy Attorney General through the Department of Justice Emergency Programs Center.

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"3. At this point civil disorder control responsibility rests solely with the Department of the Interior and any FBI special agents on site are responsible only for normally authorized investigative activity to the extent that such activity can be safely conducted and for keeping FBIHQ apprised of the disorder situation so that the Attorney General or Deputy Attorney General will be prepared to act quickly and effectively on any subsequent request for assistance.

"4. When the Department of the Interior determines that a civil disorder on an Indian reservation cannot be controlled or terminated by local or BIA resources and requests Department of Justice assistance, the Attorney General or the Deputy Attorney General will assess the situation and determine what response is appropriate. If a Department of Justice or other response is required, the selection of civil response resources to be employed shall rest exclusively with the Attorney General. If federal civilian resources are inadequate, military forces will be requested by the Department of Justice through established procedures.

"5. Upon arrival and deployment at the scene of a civil disorder, and at a time to be designated by the Attorney General or the Deputy Attorney General, the Attorney General's designee on site will assume operational control of the disorder situation and will be responsible for restoring order in accordance with established procedures and instructions.

"6. When the law enforcement resources designated by the Attorney General or the Deputy Attorney General assume control of a disorder situation the Secretary of the Interior will place his law enforcement resources at the site at the disposal of the Department of Justice designee.

"7. At a time to be mutually agreed upon by the Department of Justice and the Department of the Interior control of law enforcement activity at the scene of the civil disorder will be returned to the Department of the Interior.

"It is understood and agreed that a basic objective of this agreement is to ensure a coordinated and effective federal effort in response to incidents of civil disorder on Indian reservations. It is anticipated that this agreement will serve to eliminate delays in appropriate federal law enforcement action during periods of civil disorder and will clearly define basic law enforcement responsibilities, which will be further implemented through continuous development of contingency plans and procedures by the agencies involved.

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FOR THE DEPARTMENT OF JUSTICE

FOR THE DEPARTMENT OF
THE INTERIOR

/s/ Charles B. Renfrew
CHARLES B. RENFREW
DEPUTY ATTORNEY GENERAL

/s/ Cecil D. Andrus

Dated: 1/20/81

Dated: 1/8/81"

"The following list of Indian Reservations was furnished by the Department of the Interior, Bureau of Indian Affairs, Division of Law Enforcement Services and represents those reservations as of 22 January 1981 that are included in the scope of this agreement.

Bureau of Indian Affairs
Division of Law Enforcement Services

BIA RESPONSIBILITY FOR LES BY STATE
AND RESERVATION/TRIBE

STATE

RESERVATION/TRIBE

1. Alaska (1)

2. Arizona (Incl. (18)
NM & Utah)

1. Annette Island

2. Navajo
3. Colorado River
4. Cocopah
5. Fort Mohave
6. Fort Yuma
7. Fort Apache
8. Kaibab
9. Hopi
10. Fort McDowell
11. Papago
12. Ak Chin (Maricopa)
13. Gila River
14. Salt River
15. San Carlos
16. Camp Verde
17. Havasupai
18. Hualapai
19. Yavapai-Prescott

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|---------------------|-------------------------------|
| 3. California (1) | 20. Tonto Payson |
| 4. Colorado (2) | 21. Hoopa/Yurok |
| 5. Florida (1) | 22. Southern Ute |
| 6. Idaho (4) | 23. Ute Mountain |
| | 24. Miccosukee |
| | 25. Fort Hall |
| | 26. Kootenai |
| | 27. Coeur D' Alene |
| | 28. Nez Perce |
| 7. Kansas (2) | 29. Kickapoo |
| | 30. Potawatomie |
| 8. Maine (3) | 31. Indian Township |
| | 32. Pleasant Point |
| | 33. Penobscot |
| 9. Michigan (5) | 34. Bay Mills |
| | 35. Hannahville |
| | 36. Keweenaw Bay |
| | 37. Saginaw-Isabella |
| | 38. Sault Ste. Marie |
| 10. Minnesota (2) | 39. Nett Lake |
| | 40. Red Lake |
| 11. Mississippi (1) | 41. Choctaw |
| 12. Montana (7) | 42. Blackfeet |
| | 43. Crow |
| | 44. Flathead |
| | 45. Fort Belknap |
| | 46. Fort Peck |
| | 47. Northern Cheyenne |
| | 48. Rocky Boys |
| 13. Nebraska (1) | 49. Omaha |
| 14. Nevada (26) | 50. Battle Mountain
Colony |
| | 51. Campbell Ranch |
| | 52. Carson Colony |

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53. Duck Valley Reservation
54. Duck Water Reservation
55. Dresslerville Colony
56. Elko Colony
57. Fallon Colony
58. Fort McDermitt Reservation
59. Goshute Reservation
60. Las Vegas Colony
61. Lovelock Colony
62. Moapa Reservation
63. Odgers Ranch
64. Pyramid Lake Reservation
65. Reno-Sparks Colony
66. Ruby Valley Reservation
67. South Fork Reservation
68. Summit Lake Reservation
69. Walker River Reservation
70. Washoe Pinenut Allotments
71. Washoe Ranches
72. Winnemucca Colony
73. Woodfords Community
74. Yerington Colony
75. Yomba Reservation
15. New Mexico (22)
 76. Jicarilla
 77. Mescalero
 78. Nambe Pueblo
 79. Picuris Pueblo
 80. Pojoaque Pueblo
 81. San Ildefonso Pueblo
 82. San Juan Pueblo
 83. Santa Clara Pueblo
 84. Taos Pueblo
 85. Tesuque Pueblo
 86. Acoma Pueblo

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|------------------------|------------------------------|
| | 87. Cochiti Pueblo |
| | 88. Isleta Pueblo |
| | 89. Jemez Pueblo |
| | 90. Laguna Pueblo |
| | 91. Sandia Pueblo |
| | 92. San Felipe Pueblo |
| | 93. Santa Ana Pueblo |
| | 94. Santo Domingo Pueblo |
| | 95. Zia Pueblo |
| | 96. Zuni Pueblo |
| | 97. Ramah-Navajo |
| 16. North Carolina (1) | 98. Eastern Cherokee |
| 17. North Dakota (3) | 99. Fort Berthold |
| | 100. Fort Totten |
| | 101. Turtle Mountain |
| 18. Oklahoma (10) | 102. Absentee-Shawnee |
| | 103. Apache |
| | 104. Caddo |
| | 105. Cheyenne-Arapaho Tribe |
| | 106. Comanche |
| | 107. Delaware |
| | 108. Kiowa |
| | 109. Pawnee Tribe |
| | 110. Ponca Tribe |
| | 111. Wichita |
| 19. Oregon (3) | 112. Warm Springs |
| | 113. Burns Paiute Allotments |
| | 114. Umatilla |
| 20. South Dakota (9) | 115. Cheyenne River |
| | 116. Crow Creek |
| | 117. Flandreau |
| | 118. Lower Brule |
| | 119. Pine Ridge |
| | 120. Rosebud |
| | 121. Sisseton |
| | 122. Yankton |
| | 123. Standing Rock (Inc. ND) |

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21. Utah (2)

124. Skull Valley
125. Uintah and Ouray

22. Washington (25)

126. Chehalis
127. Colville
128. Hoh
129. Kalispel
130. Lower Elwah
131. Lummi
132. Makah
133. Muckleshoot
134. Nisqually
135. Nooksack
136. Ozette
137. Port Gamble
138. Puyallup
139. Quileute
140. Quinault
141. Sauk-Suiattle
142. Shaolwater
143. Skokomish
144. Spokane
145. Squaxon Island
146. Suquamish (Port
Madison)
147. Swinomish
148. Tulalip
149. Upper Skagit
150. Yakima

23. Wisconsin (1)

151. Menominee

24. Wyoming (1)

152. Wind River

TOTALS: 24 States - 152 Reservations"

EFFECTIVE: 03/09/81

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18-11 MEMORANDUM OF UNDERSTANDING AND COORDINATION BETWEEN THE
FEDERAL AVIATION ADMINISTRATION AND THE FEDERAL BUREAU OF
INVESTIGATION

"I. INTRODUCTION

"The enactment of Public Law 93-366, on August 5, 1974, affects the responsibility of the Federal Aviation Administration for the direction of law enforcement activity in aircraft hijacking situations. New Section 316(c), entitled "Overall Federal Responsibility," states:

"1. Except as otherwise specifically provided by law, no power, function, or duty of the Administrator of the Federal Aviation Administration under this section shall be assigned or transferred to any other Federal department or agency.

"2. Notwithstanding any other provision of law, the Administrator of the Federal Aviation Administration shall have exclusive responsibility for the direction of any law enforcement activity affecting the safety of persons aboard aircraft in flight involved in the commission of an offense under Section 902(i) or 902(n) of this act. Other Federal departments and agencies shall, upon request by the Administrator, provide such assistance as may be necessary to carry out the purposes of this paragraph.

"3. For the purposes of this subsection, an aircraft is considered in flight from the moment when all external doors are closed following embarkation until the moment when one such door is opened for disembarkation.

"In view of these and other changes in the scope of federal responsibility, the Memorandum of Understanding, dated September 25, 1970, between the Attorney General and the Secretary of Transportation is no longer sufficient and is hereby superseded. In its place, the following statements of authority and responsibilities are agreed upon.

"II. DESIGNATION OF AUTHORITY

"A. When the aircraft is in flight.

"1. When a aircraft is in flight, that is from the moment

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when all external doors are closed following embarkation, until the moment when one such door is opened for disembarkation, the pilot in command of the aircraft shall have normal operational control of the flight.

"2. The Administrator of the Federal Aviation Administration has exclusive responsibility for direction of any law enforcement activity involving an offense under (902(i) and 902(n) of the Federal Aviation Act of 1958, as amended.

3. As appropriate, in each case involving such an offense, the designated official of the Federal Aviation Administration shall request the assistance of the designated official of the Federal Bureau of Investigation.

"4. After fully considering the expressed wishes of the pilot in command, the responsible official of the airline operating the aircraft and the designated official of the Federal Bureau of Investigation, the designated official of the Federal Aviation Administration shall determine if law enforcement action is appropriate. In those instances in which the designated official of the Federal Aviation Administration determines that law enforcement action is appropriate, he shall request the designated official of the Federal Bureau of Investigation to advise as to the appropriate methods to be used and, after approval of the designated official of the Federal Aviation Administration, take the law enforcement action that is required.

"5. Whenever such a request is made, the designated official of the Federal Bureau of Investigation shall provide such law enforcement assistance as is necessary.

"6. The designated official of the Federal Bureau of Investigation and the designated official of the Federal Aviation Administration shall maintain continuing coordination between their respective offices during the course of such law enforcement activity.

"B. When the aircraft is not in flight.

"1. When an aircraft is not in flight, that is prior to the moment when all external doors are closed after

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embarkation and after the moment when one such door is opened for disembarkation, the designated official of the Federal Bureau of Investigation shall make the decision to take law enforcement action with respect to a hijacking. The designated official of the Federal Bureau of Investigation shall give full consideration to the expressed wishes of the pilot in command, the responsible official of the airlines operating the aircraft, and the designated official of the Federal Aviation Administration prior to initiating action.

"C. The decision of the designated official of the Federal Aviation Administration shall prevail in those instances where a question arises as to whether an aircraft is in flight or is not in flight.

"III. INFORMATION AND COOPERATION

"A. The Federal Aviation Administration shall take all possible steps to establish a comprehensive information and intelligence communications network. To achieve this objective, the fullest cooperation of the commercial airlines and their pilots will be solicited.

"B. The Federal Aviation Administration and the Federal Bureau of Investigation agree to cooperate fully with each other in order that each agency may discharge its responsibilities hereunder. This shall include the full exchange of information and intelligence.

"IV. DELEGATION OF AUTHORITY AND DESIGNATION OF OFFICIAL OF THE FEDERAL AVIATION ADMINISTRATION AND THE FEDERAL BUREAU OF INVESTIGATION

"A. Until the Federal Aviation Administrator is otherwise notified in writing by the Director of the Federal Bureau of Investigation, JAMES B. ADAMS, Assistant to the Director, Deputy Associate Director, or the official acting in his capacity, will act on behalf of the Federal Bureau of Investigation and will coordinate with the Federal Aviation Administration and its designated responsible officials.

"B. Until the Director of the Federal Bureau of Investigation is otherwise notified in writing by the Federal Aviation Administrator, RICHARD F. LALLY, Director, Civil Aviation Security Service, or the official acting in his capacity, will act on behalf of the Federal Aviation Administration and will coordinate with the

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Federal Bureau of Investigation and its designated responsible officials.

"Dated at Washington, D.C. this 26th day of February, 1975.

/s/ Alexander P. Butterfield
Administrator
Federal Aviation
Administration

/s/ Clarence M. Kelley
Director,
Federal Bureau of
Investigation"

EFFECTIVE: 01/08/82

18-12 MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL BUREAU OF INVESTIGATION AND OFFICE OF INSPECTOR GENERAL RESOLUTION TRUST CORPORATION

"This memorandum constitutes an agreement voluntarily entered into between the Office of the Inspector General (OIG) of the Resolution Trust Corporation (RTC), and the Federal Bureau of Investigation (FBI).

"A. PURPOSE

"The purpose of this memorandum is to delineate the investigative responsibilities of the FBI and the OIG-RTC to ensure the most effective and efficient utilization of the limited resources which are available, and to ensure the timely exchange of information regarding allegations of criminal conduct involving RTC employees, programs, and functions.

"B. APPLICABLE AUTHORITY

"The Inspector General Act of 1978 ("IG ACT"), Public Law 95-452 (5

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USC App.), created OIGs with the statutory authority to conduct investigations relating to fraud, waste, and abuse within their respective agencies' programs and operations. The Financial Institution Reform, Recovery, and Enforcement Act of 1989 (P. L. 101-73) (FIRREA) amended the IG Act to add an Inspector General for the RTC.

"The FBI derives its criminal investigative jurisdiction from Titles 18 and 28 of the United States Code (USC), the Code of Federal Regulations and through the Attorney General of the United States.

"Section 535 of Title 28, USC, specifically sets forth the FBI's jurisdiction to investigate violations of Title 18 involving Government officers and employees. Further, this statute also imposes upon every department and agency head of the Executive Branch of the Government a duty to report expeditiously to the Attorney General any information, allegations, or complaints relating to possible violations of Title 18 involving officers or employees of the Government unless the responsibility to perform the investigation of that violation is, by law, specifically assigned otherwise.

"C. BACKGROUND

"The Attorney General has formulated a written policy statement for the Department of Justice (DOJ) regarding its relationship and coordination with the statutory Inspectors General. The policy states in part, that the Attorney General is the chief law enforcement officer of the United States. Further, that whenever there is reason to believe that a Federal crime has occurred, the DOJ should be advised. This reporting normally will be to the United States Attorney (USA) in the district where the crime occurred or is occurring.

"In order to comply with the Attorney General's reporting requirement, the FBI and the OIG-RTC agree to present all allegations of a violation of Federal criminal statutes to the USA's Office in the district where the crime occurred or is occurring. The presentation to the USA will occur within 30 days of receipt of the information indicating a criminal violation, for the purpose of obtaining a preliminary prosecutive opinion.

"The FBI and the OIG-RTC further agree to advise each other of the initiation of any criminal investigation involving RTC employees, programs or functions and/or individuals and contractors acting for or on behalf of the RTC. The notification shall be in writing and will occur within 30 days of the initiation of a criminal investigation.

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The notification shall include the predication for initiating the investigation, any facts developed, any evidence obtained, and the initial prosecutive opinion rendered by the USA's Office.

"The FBI and the OIG-RTC further agree to advise each other of the final results of those criminal investigations involving RTC employees, programs or functions. The notifications of the initiation of investigation and the final results of an investigation shall be made both to the field office covering the territory where the criminal activity took place and to the headquarters of both the FBI and the OIG-RTC.

"The reciprocal notifications will allow each agency to be informed of investigations being conducted by the other agency, thereby facilitating coordination of investigative efforts and avoiding duplication of effort. In addition, each agency may request to join an investigation being conducted by the other agency. The investigating agency may, however, decide to conduct the investigation unilaterally.

"The above reciprocal notifications shall not apply to those investigations where disclosure might endanger the safety of FBI, OIG-RTC, or other personnel, or otherwise have a potentially adverse impact upon the investigation.

"The FBI and the OIG-RTC agree to obtain the approval of one another prior to disseminating the other agency's documents to a third agency.

"D. RESPONSIBILITIES OF THE OIG-RTC

"1. The OIG will promptly advise the FBI upon the initiation of all criminal investigations undertaken by the OIG-RTC involving employees, programs, and functions of RTC and/or individuals and contractors acting for or on behalf of RTC. The OIG-RTC will provide the FBI with a list of regional OIG-RTC offices and ensure that any changes to the list of offices are provided to the FBI on a timely basis.

"2. The OIG will refer to the FBI, for investigation, all allegations of bribery or attempted bribery involving RTC employees and other individuals and/or contractors acting for or on behalf of RTC, upon receipt.

"3. The OIG will refer to the FBI for investigation all information pertaining to "organized crime," including both traditional La Cosa Nostra (LCN) matters and nontraditional criminal

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enterprises identified in the FBI's National Organized Crime Strategy, upon receipt.

"4. The OIG will refer to the FBI, for investigation, all allegations of bank fraud and embezzlement which may have occurred prior to the date of "conservatorship."

"5. The OIG will investigate all noncriminal administrative and civil matters arising from and pertaining to RTC programs, functions, and personnel. Certain civil investigations arising from criminal cases investigated by the FBI may, however, be handled by the FBI. The OIG may institute whatever action is deemed appropriate in those instances where the FBI notifies the OIG that it is not going to initiate an investigation or that the USA has declined to prosecute a particular matter.

"E. RESPONSIBILITIES OF THE FBI

"1. The FBI will promptly advise the OIG-RTC upon the initiation of criminal investigations undertaken by the FBI involving employees, programs, and functions of RTC and/or individuals and contractors acting for or on behalf of RTC except in those situations articulated above. The FBI will also advise the OIG-RTC of the results of completed investigations as set forth above. The FBI will provide the OIG a list of all FBI field offices and ensure that changes to the list of field offices are provided to the OIG-RTC on a timely basis.

"2. The FBI will assume investigative responsibility for all allegations of bribery or attempted bribery involving RTC employees and other individuals and/or contractors working for or on behalf of RTC.

"3. The FBI will assume investigative responsibility for all allegations of criminal activity involving "organized crime" including traditional LCN matters and nontraditional criminal enterprises identified in the FBI's National Organized Crime Strategy. The FBI will promptly furnish the OIG-RTC a copy of the FBI's National Organized Crime Strategy and will promptly advise the OIG-RTC of any changes to the FBI's National Organized Crime Strategy.

"4. The FBI will assume investigative responsibility for all allegations of bank fraud and embezzlement which may have occurred prior to the date of "conservatorship."

"5. The FBI will advise the OIG whether or not it will

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investigate a matter referred by the OIG within 45-60 days of the receipt of the information, except in matters of bribery and/or RTC employee involvement. In these latter situations, telephonic notifications should be made to the appropriate OIG-RTC Regional Inspector General for Investigation within 30 days.

"F. JOINT ENDEAVORS BY THE FBI AND THE OIG

"The OIG and FBI may agree to enter into joint investigative efforts, including undercover operations (UCO), in appropriate circumstances. Separate written agreements will be prepared for each joint undercover investigation, setting forth the respective responsibilities of each agency. All UCOS will conform to pertinent Attorney General and FBI guidelines. Control of joint UCOS will be the responsibility of the FBI.

"While differing circumstances will result in varied arrangements from project to project, certain conditions will remain constant. Participating personnel will be supervised by their respective agencies. Only one evidentiary document or report of interview will be prepared. Any contact with the news media, such as press releases, will be coordinated and agreed to in advance.

"G. REVISIONS/TERMINATION OF THIS AGREEMENT

"Both parties agree to consider any proposed changes to this agreement which would improve the working relationship between the FBI and the OIG-RTC. This agreement may be terminated at any time, by either party, by deliverance of a written notice to terminate.

"H. EFFECTIVE DATE

"This agreement becomes effective when approved and signed by both parties.

William M. Baker
ASSISTANT DIRECTOR
CRIMINAL INVESTIGATIVE DIVISION
FEDERAL BUREAU OF INVESTIGATION

John J. Adair
INSPECTOR GENERAL
RESOLUTION TRUST CORPORATION

10/21/91
DATE

October 30, 1991
DATE

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EFFECTIVE: 04/30/93

18-13 MEMORANDUM OF UNDERSTANDING BETWEEN THE FEDERAL BUREAU OF INVESTIGATION, THE UNITED STATES MARSHALS SERVICE, AND THE FEDERAL BUREAU OF PRISONS ON VIOLATIONS OF THE FEDERAL ESCAPE AND RESCUE STATUTES.

"I. PURPOSE: This Memorandum of Understanding (MOU) between the Federal Bureau of Investigation, hereinafter referred to as the FBI, the United States Marshals Service, hereinafter referred to as the USMS, and the Federal Bureau of Prisons, hereinafter referred to as the BOP, sets forth the responsibilities of each agency with regard to the apprehensions and investigations under the Federal Escape and Rescue Statutes (Title 18, United States Code (USC), Sections 751 through 757).

"II. GOALS: It is mutually agreed that a MOU should be established on the Federal Escape and Rescue Statute to ensure an effective and efficient federal response to escape incidents and to clarify Section D of the 1988 Attorney General 'Policy on Fugitive Apprehension in Federal Bureau of Investigation and Drug Enforcement Administration Cases.'

"It is mutually agreed that each participant in this MOU will coordinate, as appropriate, and fully share information and the fruits of their respective investigations to assist each in fulfilling its own mission and responsibilities concerning violations of the Federal Escape and Rescue Statute.

"III. IMPLEMENTATION: The FBI, the USMS, and the BOP will develop and exchange such additional instructions and operating procedures as are deemed necessary to the continued implementation of this MOU with the goal of a coordinated, efficient, and effective interagency response to escape violations.

"In accordance with the terms of this MOU, in those locations in which a federal correctional institution is situated, a single operational plan will be prepared by the three agencies which will address those issues unique to that location regarding resources, manpower, notification, etc. It will be prepared by and for the benefit of the affected personnel in each location who will be directly involved in any situation covered by this MOU. This operational plan will in no way circumvent or oppose the letter and

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spirit of this MOU.

"IV. RESPONSIBILITIES:

"Federal Bureau of Investigation:

"A. The FBI will have apprehension responsibility and investigative jurisdiction for all violations of the Federal Escape and Rescue Statute (Title 18, USC, Sections 751-757), involving subjects of FBI investigations, up to and including the time of sentencing. The FBI will coordinate this apprehension and investigative responsibility with the USMS and the BOP, as appropriate.

"B. The FBI will maintain investigative responsibility for all violations encompassing conspiracies to violate the Federal Escape and Rescue Statute or the conspiracy statutes (Title 18, USC, Sections 371-373) covering escape/attempted escape as they concern federal penal institutions and detention centers.

"IT IS THEREFORE UNDERSTOOD THAT THE FBI SHALL:

"1. Assume apprehension responsibility for an escaped federal prisoner, from any facility, at any stage up to and including sentencing, who is the subject of an FBI substantive investigation, and/or the subject or member of an organization which is the subject of an existing FBI National Security, FBI Organized Crime, or FBI Terrorism investigation.

"2. Maintain investigative jurisdiction over all conspiracy, rescue, facilitation, incitement, or aid to escape or attempt to escape, where the escape or attempt occurs within/from a federal penal institution/detention center.

"3. The FBI will be immediately notified by the BOP and/or the USMS whenever an escape occurs from a federal facility and circumstances arise indicating a conspiracy to escape/attempted escape; the introduction of a firearm/contraband into a federal facility; corrupt and/or collusion of correctional facility personnel; acts of riot or mutiny; or acts of violence, death or serious bodily injury. Coordination will be implemented and maintained with the USMS, who will exercise apprehension responsibility for non-FBI subjects, and the BOP, as appropriate. Joint FBI and USMS/BOP investigation will be viewed as the optimum objective.

"4. The FBI will assume investigative responsibility

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for conspiracy, rescue, facilitation, incitement, or aid to escape or attempt to escape, in violation of the Federal Escape and Rescue Statute (Title 18, USC, Sections 751-757) when the escape occurs within/from a nonfederal institution and involves riot, hostage taking or loss of life. Coordination will be implemented and maintained with the USMS and BOP. Joint FBI and USMS investigation will be viewed as the optimum objective.

"5. Facilitate USMS participation in, and joint investigation of, escape and conspiracy to escape cases where the FBI has investigative jurisdiction and the USMS has prisoner, transport, or court security responsibilities.

"6. Establish and maintain investigative liaison with the USMS, the BOP and other federal and local law enforcement agencies as appropriate.

"7. Establish and maintain coordination with the USMS when an escaped federal prisoner becomes the subject of an Unlawful Flight to Avoid Prosecution (UFAP) request to the FBI. The FBI will not seek a UFAP warrant against any fugitive sought by the USMS pursuant to the Federal Escape and Rescue Statute and will notify the requesting state or local authority of the USMS's interest.

"United States Marshals Service:

"A. Pursuant to 28 C.F.R 0.111(q), which delegates to the USMS the power and authority vested in the Attorney General to conduct and investigate fugitive matters, domestic and foreign, involving escaped federal prisoners, the USMS will maintain investigative jurisdiction for all violations of the Federal Escape and Rescue Statute (Title 18, USC, Sections 751-757).

"IT IS THEREFORE UNDERSTOOD THAT THE USMS SHALL:

"1. The USMS and the FBI agree that the FBI will have investigative and apprehension responsibility with regard to violations of the Federal Escape and Rescue Statute involving subjects of FBI investigations, up to and including the time of sentencing, or persons who are the subject of or were members of an organization which is the subject of an existing FBI National Security, Organized Crime or Terrorism investigation.

"2. If the USMS's investigation reveals a possible escape conspiracy or systemic corruption on the part of federal personnel, concerning a federal penal institution or an FBI subject,

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that information will be shared with the FBI for their investigation of the conspiracy or irregularities matter.

"3. The USMS will have investigative and apprehension responsibility for all violations of the Federal Escape and Rescue Statute within/from state, county or city (contract) facilities in all cases other than presentenced FBI prisoners. In the event of a violation of the Escape and Rescue Statute within/from a state, county or city (contract) facility, the facility will immediately notify the USMS. The USMS will then notify the FBI if the escape or attempted escape involved a presentenced FBI prisoner or if the incident involves riotous behavior, hostage taking or loss of life.

"4. Inasmuch as the USMS and the FBI agree that a full sharing of information and the fruits of investigations benefit each agency in fulfilling its missions and responsibilities, the USMS and FBI will coordinate and bring to bear the two agencies' combined expertise and investigative resources upon escaped federal prisoners and their conspirators.

"Bureau of Prisons:

"A. The BOP will have investigative responsibility for all escape issues until the agency (FBI or USMS), having been notified in accordance with provisions set forth in this agreement, has arrived on site and is prepared to assume the investigative role.

"B. In that the BOP will ordinarily be the agency which will first discover indications of an escape conspiracy or actual escape event, the BOP recognizes the obligation to take initial steps to manage the crime scene appropriately and to make immediate notifications to the agency assuming the lead investigative role.

"IT IS THEREFORE UNDERSTOOD THAT THE BOP SHALL:

"1. Take immediate steps to preserve the crime scene, as well as any related audit trails, record systems, and other forms of evidence as appropriate. Upon on-site arrival of representatives of the agency assuming jurisdiction, the BOP will assume a joint-jurisdiction supporting role, and provide full access to the crime scene and all related evidence and records systems. In the event the designated agency cannot immediately respond, a mutual agreement will be sought regarding the full processing and release of the crime scene by BOP investigative staff.

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"2. In the event of an actual escape, or suspected escape, the BOP will activate stationary escape posts, roving patrols, and special response units as necessary to establish an extended perimeter around the BOP facility as may be dictated by local terrain, potential routes of egress, and the proximity of population centers. Active immediate apprehension activities in the surrounding area shall continue until such time as the BOP Warden or CEO concludes that the fugitive(s) is(are) no longer in the immediate area of the BOP facility, and/or the responding agency has sufficient resources actually in place to assume the immediate apprehension role. The BOP will provide the responding agency with appropriate information regarding the nature and location of BOP immediate apprehension activities.

"3. In those cases where an escape conspiracy is identified by BOP staff, prompt notification shall be made to the FBI, and a joint-investigative plan shall be developed, with the FBI assuming lead role as appropriate. BOP investigative staff shall provide full access to evidence, record systems, and audit trails as appropriate to facilitate the investigative process.

"4. In all escape investigations that involve inmate telephone monitoring tapes, investigative access shall be provided in strict accordance with procedures established by the Department of Justice, Office of Enforcement Operations, as implemented by BOP policy.

"V. PROTOCOL: It is agreed that the contents of this MOU will be provided to all agencies involved in this agreement, as well as the Executive Office of the United States Attorney, so as to fully coordinate notification procedures, points of contact to facilitate liaison, crime-scene management procedures, and development of the criminal investigation.

"VI. STANDARD PROCEDURES:

"A. Initial Notification

"1. The BOP will immediately notify the FBI in the event of any incident involving a violation of the Federal Escape and Rescue Statute.

"2. The FBI will immediately notify the USMS of any escape from a federal facility, pursuant to the USMS' apprehension responsibilities as stated in this MOU. The FBI will coordinate, as appropriate, with the USMS and BOP pursuant to this MOU.

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"3. The USMS will immediately advise the nearest FBI office of escape incidents involving nonfederal penal institutions where the escapee is an FBI subject or aggravated circumstances exist as described in USMS paragraph 3.

"B. Point of Contact

"1. The USMS, FBI, and the BOP shall each designate a point of contact to facilitate liaison and implementation of this MOU.

"2. Points of contact will be established with other involved federal agencies where appropriate.

VII. TERMS OF AGREEMENT:

"This MOU will take effect immediately upon signature of all parties.

"For the Federal Bureau of Investigation:

/s/ LOUIS J. FREEH
LOUIS J. FREEH
Director

June 24, 1994
Date

"For the United States Marshals Service:

/s/ EDUARDO GONZALEZ
EDUARDO GONZALEZ
Director

6/24/94
Date

"For the Federal Bureau of Prisons:

/s/ KATHLEEN M. HAWK
KATHLEEN M. HAWK
Director

6/24/94
Date

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EFFECTIVE: 09/30/94

18-14 MEMORANDUM OF UNDERSTANDING BETWEEN THE UNITED STATES
DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS AND
THE UNITED STATES DEPARTMENT OF JUSTICE FEDERAL BUREAU OF
INVESTIGATION

"I. PURPOSE

"This Memorandum of Understanding (MOU) is made by and between the United States Department of the Interior (DOI) and the Department of Justice (DOJ) pursuant to the Indian Law Enforcement Reform Act (Act), 25 U.S.C. 2801 et seq. The purpose of this MOU is to establish guidelines regarding the respective jurisdictions of the Bureau of Indian Affairs (BIA) and the Federal Bureau of Investigation (FBI) in certain investigative matters, and to provide for the effective and efficient administration of criminal investigative service in Indian country.

"II. BUREAU OF INDIAN AFFAIRS JURISDICTION

"The Act establishes a Branch of Criminal Investigations within the Division of Law Enforcement (DLE) of the BIA, which shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country. The responsibilities of the DLE shall include, inter alia, the enforcement of federal law and, with the consent of the Indian Tribe, Tribal law; and in cooperation with appropriate federal and Tribal law enforcement agencies, the investigation and presentation for prosecution of cases involving violations of 18 U.S.C 1152 and 1153 within Indian country (and other federal offenses for which the parties have jurisdiction). In addition, the Act authorizes the Secretary of the Interior to develop interagency agreements with the Attorney General and provides for the promulgation of prosecutorial jurisdictional guidelines by United States Attorneys (USA).

"III. FEDERAL BUREAU OF INVESTIGATION JURISDICTION

"The FBI derives its investigative jurisdiction in Indian country from 28 U.S.C. 533, pursuant to which the FBI was given investigative responsibility by the Attorney General. Except as provided in 18 U.S.C. 1162 (a) and (c), the jurisdiction of the FBI

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includes, but is not limited to, certain major crimes committed by Indians against the persons or property of Indians and non-Indians, all offenses committed by Indians against the persons or property of non-Indians and all offenses committed by non-Indians against the persons or property of Indians. See 18 U.S.C. 1152 and 1153.

"IV. GENERAL PROVISIONS

"1) Each USA whose criminal jurisdiction includes Indian country shall develop local written guidelines outlining responsibilities of the BIA, the FBI, and Tribal Criminal Investigators, if applicable. Local USA guidelines shall cover 18 U.S.C. 1152 and 1153 offenses and other federal offenses within the investigative jurisdiction of the parties to this MOU.

"2) Any other agreements that the DOI, DOJ and Indian Tribes may enter into with or without reimbursement of personnel or facilities of another federal, Tribal, state, or other government agency to aid in the enforcement of criminal laws of the United States shall be in accord with this MOU and applicable federal laws and regulations.

"3) The Secretary will ensure that law enforcement personnel of the BIA receive adequate training, with particular attention to report writing, interviewing techniques and witness statements, search and seizure techniques and preservation of evidence and the crime scene. Successful completion of the basic Criminal Investigator course provided by the Department of the Treasury at the Federal Law Enforcement Training Center or its equivalent shall constitute the minimum standard of acceptable training. The BIA may consult with the FBI and other training sources with respect to such additional specialized training as may be desirable. United States Attorneys may also require, and participate in, training at the field level.

"4) Any contracts awarded under the Indian Self-Determination Act to perform the function of the BIA, Branch of Criminal Investigations, must comply with all standards applicable to the Branch of Criminal Investigations, including the following:

"a) Local USA guidelines must be followed.

"b) Criminal Investigators must be certified Peace Officers and must have satisfactorily completed the basic Criminal Investigator course provided by the Department of the Treasury at the Federal Law Enforcement Training Center, or an equivalent course

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approved by the Commissioner of Indian Affairs. Criminal Investigators will receive a minimum of 40 hours in-service training annually to keep abreast of developments in the field of criminal investigations.

"c) Compensation for Criminal Investigators must be comparable to that of BIA Criminal Investigators.

"d) Criminal Investigators must be United States citizens.

"e) Criminal Investigators must possess a high school diploma or its equivalent.

"f) No Criminal Investigator shall have been convicted of a felony offense or crime involving moral turpitude.

"g) Criminal Investigators must have documentation of semiannual weapons qualifications.

"h) Criminal Investigators must be free from physical, emotional, or mental conditions which might adversely affect their performance as law enforcement officers.

"i) Criminal Investigators must be certified by Tribal officials as having passed a comprehensive background investigation, including unannounced drug testing. Such examinations must be documented and available for inspection by the BIA.

"j) Appropriate procedures shall be devised to provide adequate supervision of Criminal Investigators by qualified supervisory personnel to ensure that investigative tasks are properly completed.

"k) When a Tribe is awarded a contract under the Indian Self-Determination Act, 25 U.S.C. 450 (a), there must be a "phase-in" period of not less than 180 days so as to ensure an orderly transition from one law enforcement agency to another. When a Tribe retrocedes its contract for the Criminal Investigator function, there must be a one-year time period from the date of request for retrocession, or a date mutually agreed upon by the BIA and the Tribe, for the BIA to prepare for reassuming the Criminal Investigation responsibility. All case files, evidence, and related material and documents associated with active and closed investigations must be turned over to the receiving criminal investigative agency, whether it be the BIA or a Tribe.

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"l) Appropriate procedures shall be established with respect to the storage, transportation and destruction of, and access to, case files, evidence, and related documents and other material, with particular attention directed to the confidentiality requirements of 18 U.S.C. 3509(d) and Rule 6(e) of the Federal Rules of Criminal Procedure. Criminal Investigators shall follow these procedures at all times. Access to such material will be for official use only.

"m) Before any Tribe contracts for the Criminal Investigator function, the BIA and the Tribe must ensure that there is sufficient funding to cover the costs of a Criminal Investigator program including salary, equipment, travel, training, and other related expenses arising during both the investigation stage and the litigation stage of any case or matter covered by the contract.

"n) Tribal contractors must agree, and the BIA shall ensure, that there is an audit and evaluation of the overall contracted Criminal Investigator program at least every two years. Continuation of the contract shall be contingent upon successful completion of each audit and evaluation.

"o) Criminal Investigators are prohibited from striking, walking off the job, feigning illness, or otherwise taking any job action that would adversely affect their responsibility and obligation to provide law enforcement services in their capacity as Criminal Investigators.

"5) Any individual who is a holder of a BIA Deputy Special Officer Commission and performing duties as a Criminal Investigator must comply with the standards applicable to Criminal Investigators set forth in the preceding paragraph.

"6) When either the FBI or the BIA receives information indicating a violation of law falling within the investigative jurisdiction of the other agency, the agency receiving the information will notify the other agency. If either the FBI or the BIA declines to investigate a matter within the jurisdiction of both agencies, the other agency will be notified. The FBI and the BIA will attempt to resolve jurisdictional disputes at the field level. In the event the dispute cannot be resolved, it will be reviewed by each agency's respective headquarters for resolution.

"7) With respect to the use of sensitive investigative techniques, such as the nonconsensual interception of wire, oral or electronic communications and undercover operations involving any

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sensitive circumstance (as defined in the Attorney General's Guidelines for FBI Undercover Operations), and the investigation of organized crime matters, the FBI shall be the agency primarily responsible. Undercover operations involving sensitive circumstances shall be conducted in accordance with the Attorney General's Guidelines for FBI Undercover Operations. This paragraph is not intended to prohibit the BIA from conducting consensual eavesdropping or undercover operations not involving a sensitive circumstance or utilizing other nonsensitive investigative techniques after proper training and when authorized by the appropriate United States Attorney.

"8) Nothing in this MOU is intended to change any existing cooperative relationships and responsibilities between the BIA and the FBI, and nothing in this MOU shall invalidate or diminish any law enforcement authority or responsibility of either agency.

"9) Consistent with the availability of resources, the FBI will offer specialized training to the BIA.

"10) Consistent with limitations regarding confidentiality, the requirements of the Privacy Act and any other applicable laws, and respective policies and procedures, the BIA and the FBI will cooperate on investigative matters of mutual interest, exchange intelligence, and investigative reports, as appropriate.

"11) To the extent possible and in consideration of limited resources, the FBI will continue to assist the BIA in its investigative matters by providing investigative support services through the Identification Division, Training Division, Criminal Investigative Division and Laboratory Division.

"This document constitutes the full and complete agreement between the BIA and the FBI. Modifications to this MOU will have no force and effect unless and until such modifications are reduced to writing and signed by an authorized representative of the parties thereto. This MOU will, at regular intervals, be subjected to a thorough review to determine if changes are appropriate.

"The provisions set forth in this MOU are solely for the purpose of internal guidance of components of the Department of the Interior and the Department of Justice. This MOU does not, is not intended to, shall not be construed to, and may not be relied upon to, create any substantive or procedural rights enforceable at law by any party in any matter, civil or criminal. This MOU does not, is not intended to, and shall not be construed to, exclude, supplant or limit otherwise

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lawful activities of the Department of the Interior or the Department
of Justice.

"By subscription of their signatures below, the parties acknowledge
that they have read, understand, and will abide by the foregoing
statements.

" BRUCE BABBITT
Secretary
United States Department of the Interior

September 3, 1993
Date

" JANET RENO
Attorney General
United States Department of Justice"

November 22, 1993
Date

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SECTION 20. WHITE COLLAR CRIME

20-1 DEFINITION

(1) White-Collar Crimes are defined as those illegal acts characterized by deceit, concealment, violation of trust, and not dependent upon the application or threat of physical force or violence. They are committed to obtain money, property, or services; or to avoid the payment or loss of money, property, or services; or to secure personal or business advantage.

(2) By focusing on the nature of the act, rather than the nature of the violator, the classification of the crime will more clearly emerge. The modus operandi and objectives are crucial to correct categorization of these acts.

(3) The White-Collar Crime is usually of a more complex or sophisticated nature.

(4) The White-Collar criminal can come from all walks of life. The classic image of such a person being of top management and/or the pillar of the community is not sufficiently large to embrace all such criminals. Conversely, a person of the classic image is capable, and indeed has, committed crimes of the most base nature.

(5) The crime may be committed by individuals acting independently or by those who are part of a well-planned conspiracy. Clearly a person clothed in the aura of respectability acting in concert with a hardened criminal in a conspiracy which would involve the violation of his/her trust, would attach to that crime the significance and character of the "White-Collar Crime."

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20-2 POLICY

(1) Since "White-Collar Crime" is a generic term and cannot be defined in terms of statutory elements as are specific crimes within FBI jurisdiction, the definition of White-Collar Crimes has been established as a working definition solely for Bureau use.

(2) Many crimes which have been investigated by the FBI for years can, quite properly, be classified as White-Collar Crimes. So too, many local and state violations are considered White-Collar Crimes. Care should be taken not to evaluate local crimes under the Bureau definition since the Bureau in no way intends to impose its definition of White-Collar Crimes upon state and local jurisdictions.

(3) The policy covering the specific classifications of the statutes under investigation will prevail in all White-Collar Crime matters and no statement within this Section should be construed as changing or modifying the policy in any of the substantive investigative matters handled by the Bureau.

(4) All investigations characterized as White-Collar Crimes should be given a high priority of investigative attention with the assignment of sufficient personnel to ensure the Bureau's investigative responsibilities are promptly met.

(5) Since many of the classifications within the Bureau's investigative jurisdiction fall within the general category of accounting type, those Special Agent Accountants and Special Agents with accounting backgrounds should be utilized where this specific expertise is needed.

EFFECTIVE: 11/20/90

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FBI WHITE-COLLAR CRIME PROGRAM (WCCP) (See MIOG, Part I, 46-1.14, 58-10, 139-9, 206-6, 207-2, 255-9, 257-11, 258-8, 264-9, 272-6.2, 275-1; MAOP, Part II, 3-1.1, 3-1.2, 3-3.2(3), 3-4.5(5), 10-23; Correspondence Guide - Field, 1-17.)

(1) The Criminal Investigative Division at FBIHQ administers the WCCP in the White-Collar Crimes Section.

(2) The White-Collar Crimes Section is comprised of five subprograms: Governmental Fraud; Public Corruption; Financial

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Institution Fraud; Economic Crimes; and Other WCC Matters.

(3) The classifications comprising the WCCP are grouped
as follows:

(a) Governmental Fraud Matters

- 17 Department of Veterans Affairs Matters
- 46 Fraud Against the Government
- 60 Antitrust
- 62 Lands Division Matter
- Miscellaneous - Civil Suits

- 83 Claims Court
- 86 Small Business Administration Matters
- 93 Ascertaining Financial Ability
- 120 Federal Tort Claims Act
- 131 Admiralty Matter
- 147 Housing and Urban Development Matters
- 187 Privacy Act of 1974 - Criminal
- 206 Department of Defense Matters
- 206 Department of Agriculture Matters
- 206 Department of Commerce Matters
- 206 Department of Interior Matters
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20-4 PRIORITY AMONG OTHER FBI PROGRAMS

| See MIOG, | Introduction, Section 2. |

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SECTION 21. FUGITIVE - GENERAL

21-1 FUGITIVE DEFINITION

A "fugitive" is the subject of a Bureau investigation for whom a Federal arrest warrant has been issued and whose whereabouts is unknown; or an individual whose whereabouts is unknown and whom the Bureau, by directive or agreement, has the responsibility for apprehending. A subject otherwise meeting these criteria who is outside the United States is considered a fugitive regardless whether he/she is in custody or not until such time as he/she is returned to United States control in the United States.

EFFECTIVE: 07/23/90

21-2 "A," "B," "C," AND "D" FUGITIVE PRIORITIES (See MIOG, Part I, 88-7.2; MAOP, Part II, Section 10.)

(1) To reflect investigative importance in the fugitive area, all fugitives will be designated either an "A," "B," "C," or "D" priority.

(2) An "A" fugitive is a subject wanted for crimes of violence against the person, such as murder, manslaughter, forcible rape, robbery, aggravated assault and felony residential burglary; one convicted of such a crime within the past five years or one who has been incarcerated after conviction for a crime of violence and escapes from custody or supervision (parole, probation) prior to completion of their sentence or term of supervision.

(3) A "B" fugitive is a subject wanted for a crime involving the loss or destruction of property valued in excess of \$25,000, one being sought for criminal charges involving in excess of two ounces of heroin or cocaine, 1,000 pounds of marijuana or 10,000 dosage units of clandestinely manufactured dangerous or hallucinogenic drugs, or a subject convicted of the above crimes within the past five years or one who has been incarcerated after conviction for such offenses and escapes from custody or supervision (parole, probation) prior to completion of their sentence or term of supervision.

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(4) "C." All others, except UFAP-Parental|Kidnapping| fugitives, who will be designated "D" fugitives.

(5) All communications, regardless of the fugitive classification, should carry the appropriate priority letter in parentheses in the title after the word, fugitive, which will identify the subject's priority ranking. For example:

JOHN DOE - FUGITIVE (A)
UFAP-MURDER
OO: Albany

JOHN DOE - FUGITIVE (C)
FAG
OO: Albany

(6) If a situation arises where a fugitive of a lower priority becomes wanted for an offense of a higher priority, the case should be promptly elevated to the newer appropriate priority letter ranking.

(7) The above priorities are by no means absolute in terms of significance of importance. Therefore, priority "C" may contain some relatively high-impact cases.

EFFECTIVE: 10/18/95

21-3

OBJECTIVES OF THE BUREAU'S FUGITIVE|SUBPROGRAM|

(1) To effect the swift location and apprehension of all FBI fugitives, particularly those wanted in connection with crimes of violence, substantial property loss or destruction, illicit drug trafficking and parental kidnaping.

(2) During liaison contact with law enforcement authorities and in managing resources available for fugitive investigations, "A," "B," and "D" priority fugitives should be emphasized so that manpower is concentrated there and not on those fugitive matters of lesser impact.

(3) All requests for assistance in the fugitive area over which we have jurisdiction must, of course, be honored regardless of their priority.

(4) Each office, in keeping with these objectives, should concentrate on the apprehension of "A" and "B" priority fugitives regardless of the Bureau classification, and "D" priority fugitives

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(UFAP-Parental Kidnaping).

EFFECTIVE: 07/23/90

21-4 DETERMINING THE FUGITIVE'S FBI NUMBER AS A MEANS OF
POSITIVE IDENTIFICATION (See MIOG, Part II, 14-15.4; MAOP,
Part II, 7-2.2.2.)

(1) All offices should ensure that a check of the Interstate Identification Index (III) is made in an effort to determine the fugitive's FBI number prior to entering the fugitive in the NCIC Wanted Person File (WPF) without an FBI number. When the subject's fugitive airtel, FD-65, is submitted to FBIHQ at the outset of the fugitive investigation, his/her FBI number should be included thereon if known.

(2) If the field office is unable to identify an identification record identical with the fugitive through the III inquiry, an electronic communication should be forwarded to the Criminal Justice Information Services (CJIS) Division, West Virginia Operations (Attention: Module D-2 Answer Hits to Wants (AHTW)), enclosing any available fingerprints of the fugitive so that a technical fingerprint search can be conducted and a positive stop based upon fingerprints can be placed. A fingerprint-based stop means that incoming applicant/criminal fingerprint cards in alias names will hit against the stop thereby triggering appropriate field office notification(s). (See MIOG, Part II, 21-21(4).)

(3) "Maybe Ident" stops (a stop in an identification record possibly identical with the fugitive) will not be placed in identification records for FBI fugitives entered in the NCIC WPF without an FBI number. For fugitives entered in the NCIC WPF without an FBI number, a "Name Stop" only will be placed in the CJIS Division's Criminal File. If, while placing the "Name Stop," the CJIS Division discovers a manual record(s) (criminal identification record not available through III) possibly identical with the fugitive, a copy(s) of the criminal record(s) or a laminated copy(s) of the civil fingerprint card(s) will be forwarded to the field office. It will be the field office's responsibility to determine if the record or fingerprint card is identical with the fugitive. If an identification determination is made, the FBI number of the fugitive should be modified into his/her NCIC WPF entry or the copy of the civil print should be returned to the CJIS Division so a positive stop based upon fingerprints can be established in place of the existing "Name Stop."

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(See MIOG, Part II, 21-23(22).)

EFFECTIVE: 05/13/96

21-5 POTENTIAL FUGITIVE IDENTITY PROBLEMS

EFFECTIVE: 05/26/89

21-5.1 Stolen or Lost Identification

(1) If it is known that a fugitive is using the stolen or lost identification of another individual, and said name is being carried as an alias of the subject in NCIC, the following action should be taken to prevent this individual from being detained erroneously as the subject.

(2) 

EFFECTIVE: 05/26/89

21-5.2 Look Alikes

(1) Where an individual has been reported to an office as being identical with a fugitive and investigation determines he/she is not identical but he/she so strongly resembles the fugitive in appearance that there is a likelihood he/she will be reported again as being identical with the fugitive, the office of origin and FBIHQ should be advised.

(2) Upon receipt of this information, the office of origin should modify the subject's NCIC record under the miscellaneous field to reflect that they are not identical.

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EFFECTIVE: 05/26/89

21-6 FUGITIVES TRAVELING TOGETHER

When it is known that two or more subjects are traveling or operating together, their respective NCIC records should be cross-referenced under the miscellaneous field to reflect this fact. In addition, FBIHQ should be notified of this fact and the Criminal Justice Information Services Division, West Virginia Operations (Attention: Module D-2 AHTW), requested to cross-reference the fugitive stops in their respective fingerprint identification records.

EFFECTIVE: 05/13/96

21-7 CIRCUMSTANCES WHICH REQUIRE FBIHQ NOTIFICATION

In a fugitive investigation FBIHQ should be promptly notified if the following circumstances exist:

- (1) If there is any publicity or anticipated publicity regarding the fugitive investigation.
- (2) If the fugitive is prominent locally.
- (3) If good judgment dictates that FBIHQ should be notified of events.

EFFECTIVE: 03/20/86

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21-8 DETERMINING THE OFFICE OF ORIGIN WHEN MORE THAN ONE OFFICE
PROCESS OUTSTANDING ON A FUGITIVE

(1) If an office, other than the existing office of origin, knowingly obtains additional process on a subject while in fugitive status, it should enter him/her in NCIC and bring this situation to the attention of FBIHQ and the existing office of origin in the following manner. Attach an administrative page to the fugitive airtel (FD-65) setting forth the details and request that FBIHQ determine and advise which office should assume origin in the investigation.

(2) There will be instances where an office, other than the existing office of origin, unknowingly obtains additional process on a subject while in fugitive status. This situation usually occurs when the subject has committed offenses under different identities. When subsequent investigation by the field determines that these individuals are in fact identical, FBIHQ should be promptly advised of the full details by airtel and requested to determine and advise which office should assume origin in the investigations.

EFFECTIVE: 03/20/86

21-9 COMMUNICATIONS REQUESTING APPREHENSION

The field office requesting investigation of an auxiliary office for the apprehension of a fugitive should include the following information in its communication if not previously furnished so that the investigation and apprehension may be handled intelligently and effectively:

- (1) Photograph and complete description of the subject.
- (2) Sufficient details of the offense charged to conduct a hearing before the U.S. Magistrate.
- (3) Amount of bond fixed by the court or recommended by the USA.
- (4) Date and place where prosecuting USA desires the bond made returnable.
- (5) Full name of the complainant (individual who signs complaint before U.S. Magistrate).

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- (6) Full name of U.S. Magistrate or district court judge issuing the warrant.
- (7) Full name of USA who filed information or indictment.
- (8) Details of local offense in unlawful flight cases to handle any press inquiries.
- (9) Caution statement if appropriate.

EFFECTIVE: 03/20/86

21-10 FUGITIVE DEADLINES

(1) The following deadlines pertain to all fugitives regardless of the classification.

(2) Priority "A" and "D" Fugitives

(a) Fugitive leads in headquarters cities or in headquarters cities of resident agencies are to be covered and reported within a total of 15 calendar days.

(b) An additional 7 calendar days are permitted for areas outside these cities.

(3) Priority "B" and "C" Fugitives

(a) Fugitive leads in headquarters cities or in headquarters cities of resident agencies are to be covered and reported within a total of 30 calendar days.

(b) An additional 7 calendar days are permitted for areas outside these cities.

(4) If good judgment indicates a fugitive lead is without immediate productive possibilities and economy can be effected by extending the deadline period, the above deadlines may be exempted.

(5) It is recognized that certain factors will dictate that more preferred attention be given to case than the above deadlines command. For example, a relatively low priority "C" fugitive might be wanted for questioning as a principal subject in a

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major investigation. In such situations, the necessity for preferred attention should be set out regardless of the priority letter designation.

EFFECTIVE: 05/29/84

21-11 CAUTION STATEMENTS

(1) The use of caution statements as a special warning should be restricted to factual information aimed at alerting apprehending officers to exercise additional caution in arresting and controlling a subject.

(2) They must be included in all appropriate communications in underlined capital letters and in the subject's NCIC record.

(3) There are five basic caution statements:

(a) Armed and dangerous.

(b) Suicidal tendencies.

(c) Escape risk.

(d) A physical or mental condition or illness which may require immediate or professional care.

(e) "Warning: Known or Suspected HIV (Human Immunodeficiency Virus) Infected Person" (This warning should only be used in internal communications when also accompanied by the "Armed and Dangerous" warning or when other information is developed that the possibility of violence during an arrest is imminent.)

(4) The basis of the caution statement must be included in the caution statement in all initial communications to other field offices and FBIHQ. Subsequent communications to these offices need only set forth the caution statement, and its basis need not be restated.

(5) The caution statement should be set forth immediately after the case caption of the FD-517 and at the end of the narrative in prosecutive reports. In both investigative and nonprosecutive summary reports, the caution statement should be included immediately

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after the case caption of the first cover page, at the end of the synopsis in every instance and at the end of the details of the first report. In the case of other communications, such as letters, airtels, and LHMs, it should be placed immediately after the case caption and at the end of the communication. If desired, an appropriate stamp may be used for this purpose. In teletypes, the caution statement should be included as the first line of the text.

(6) Notification when information first developed.

(a) In wanted flyer, identification order, or check circular cases, the developing office should immediately notify FBIHQ, office of origin, known auxiliary offices, and the office of prosecution (when other than the office of origin) by teletype. The office of origin should in turn furnish this information by teletype to all other auxiliary offices, by regular mail to all other offices and modify subject's NCIC record.

(b) In all other cases, the developing office should immediately notify FBIHQ, office of origin, known auxiliary offices, and the office of prosecution (when other than the office of origin) by teletype or airtel as the circumstances dictate. The office of origin should in turn furnish this information to all other auxiliary offices by teletype or airtel and modify the subject's NCIC record.

(7) When requesting the assistance or cooperation of local law enforcement officers or other agencies in apprehending the subject, fully apprise them of any caution statement.

(8) Form FD-65, the fugitive airtel, has a "Caution" block which must be checked when information exists indicating the need for enhanced caution by law enforcement personnel apprehending or controlling the fugitive. The "Caution" block will have checkboxes for appropriate warning statements. The basis for the caution statement must be stated as the first information reported in the "Miscellaneous" block of the FD-65. This information will be included in the NCIC record pertaining to the fugitive.

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21-12 APPREHENSION OF BUREAU FUGITIVES

(1) Bureau policy relating to arrest (use of force, forcible entry, etc.) is contained in Section 3, Legal Handbook for Special Agents. Also, see 21-13.4, infra, regarding entry to arrest.

(2) When a Bureau fugitive is apprehended or located in custody, the apprehending office should immediately notify FBIHQ, office of origin, office of prosecution (when other than the office of origin), and all known auxiliary offices by routine teletype. The word, "FUGITIVE," should be carried in the title of all communications notifying FBIHQ and interested offices of the apprehension or location of a Bureau fugitive.

(3) Good judgment must be exercised and where a more urgent communication is obviously justifiable, notification by telephone or immediate or priority teletype should be utilized.

(4) When one of the Ten Most Wanted Fugitives is apprehended or located in custody or fugitive's apprehension appears imminent, FBIHQ must be immediately advised by telephone and confirmed by teletype.

(5) Upon notification, the office of origin should review its case file and notify any other auxiliary office where investigation is pending of the apprehension or location by routine teletype.

(6) If investigation is being conducted by a known Legat office, the apprehending office should request FBIHQ in its apprehension teletype to advise the particular Legat office to discontinue.

(7) If the apprehending office has not requested FBIHQ to notify any or all Legat offices conducting investigation to discontinue, the office of origin should promptly submit a routine teletype to FBIHQ requesting same.

(8) If the office of origin's case Agent is not readily available, it is the responsibility of the appropriate office of origin's supervisor to ensure that all auxiliary offices are advised to discontinue investigation and FBIHQ is requested to advise appropriate Legat offices to discontinue.

(9) If the subject is a Ten Most Wanted Fugitive or the subject of an identification order, check circular, or wanted flyer,

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FBIHQ will notify all offices and Legats by appropriate communication of his/her apprehension.

EFFECTIVE: 10/10/83

21-13 HARBORING STATUTES

EFFECTIVE: 10/10/83

21-13.1 Title 18, USC, Section 3. Accessory After the Fact

"Whoever, knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact.

"Except as otherwise expressly provided by any Act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or fined not more than one-half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by death, the accessory shall be imprisoned not more than ten years."

EFFECTIVE: 10/10/83

21-13.2 Title 18, USC, Section 1071. Concealing Person from Arrest

"Whoever harbors or conceals any person for whose arrest a warrant or process has been issued under the provisions of any law of the United States, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; except that if the warrant or process issued on a charge of felony, or after conviction of such person of any offense, the punishment shall be a fine of not more than \$5,000, or imprisonment for not more than five years, or both."

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EFFECTIVE: 10/10/83

21-13.3 Elements

(1) Accessory after the fact

(a) A person who knows that an offense against the United States has been committed.

(b) Receives, relieves, comforts, or assists the
offender.

(c) The act of receiving, relieving, comforting, or assisting the offender is committed in order to prevent the offender's apprehension, trial, or punishment.

(2) Concealing person from arrest

(a) A person harbors or conceals an individual.

(b) There is a warrant of arrest or other process outstanding for the individual harbored or concealed which was issued under the provisions of some Federal law.

(c) The person harboring or concealing the offender knows of the warrant or process.

(d) The act of harboring or concealing is done to prevent discovery and arrest of the offender.

EFFECTIVE: 01/21/86

21-13.4 Policy

(1) Since harboring is a substantive crime separate and distinct from the offense for which the fugitive is sought, Agents are justified in arresting a harborer where there is probable cause to believe such a violation is being or has been committed. Where possible, authorization of the U.S. Attorney should be obtained and an arrest warrant issued prior to the arrest of one accused of harboring. Entry to the harborer's own premises to execute the arrest warrant requires probable cause to believe the harborer is within, but does

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not additionally necessitate a search warrant before entry to the premises.

(2) Where there is probable cause to believe a fugitive is located within the premises of a harborer, entry to such premises to arrest the fugitive is contemplated, the premises are not the principal residence of the fugitive, and there are no exigent circumstances or consent justifying an immediate warrantless entry, a search warrant must be obtained naming the fugitive as the object of the search. (See Section 3-7, Legal Handbook for Special Agents.) The search warrant will support the complete and thorough search of the premises for the fugitive.

(3) An arrest of either the harborer or a fugitive, with or without warrant, will justify a cursory search of the premises where Agents have a reasonable suspicion that confederates, accomplices, or others, lurking therein, may jeopardize their safety. (See Section 5-3.9, Legal Handbook for Special Agents.)

EFFECTIVE: 01/21/86

21-13.5 Venue

Prosecution shall be in the district in which the offense was committed.

EFFECTIVE: 01/21/86

21-13.6 Classification

The same as the substantive violation.

EFFECTIVE: 01/21/86

21-13.7 Character

Substantive offense - HARBORING

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EFFECTIVE: 01/21/86

21-14 LOCATING, CLEARING, AND CANCELLING SUBJECT'S NCIC RECORD

(1) If the fugitive is apprehended or located in the territory of the office having the subject's record on file in NCIC they should immediately (within 24 hours) "clear" the Bureau's NCIC record and place a "located" on any other NCIC record positively identifiable with the fugitive. This is to be done via the terminal located in the office. The substantive case file is to show the "clear" and any "located" action taken in NCIC.

(2) If the subject is apprehended or located in the territory of an office other than the office having the subject's record on file in NCIC, the following procedures must be followed by said office and the office having the record on file in NCIC:

(a) The office apprehending or locating the fugitive must immediately (within 24 hours) change the status of the subject's Bureau NCIC record to show "located." Any other NCIC record positively identifiable with the fugitive must also be promptly changed to a "located" status. This is to be done through the office terminal. The substantive case file is to show that the "located" action was taken.

(b) The office having the subject's record on file in NCIC, upon receipt of notification via NCIC computer that a "located" message has been placed in the fugitive's Bureau NCIC record by another FBI office or military authorities in a deserter case, should immediately (within 24 hours) "clear" the subject's NCIC record through the terminal located in the office. The substantive case file is to show that the "clear" action was taken.

(c) The office having the subject's record on file in NCIC, upon receipt of notification via NCIC computer that a "located" message has been placed in the fugitive's Bureau NCIC record by an agency other than another FBI office or military authorities in a deserter case, should instruct the office covering the area of the "locating" agency to promptly verify both the identity and the apprehension of the fugitive. Following this verification immediately (within 24 hours) "clear" the subject's NCIC record through the terminal in the office. The substantive case file is to show that the NCIC record has been properly "cleared."

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(3) If the federal process, or local process in the case of an unlawful flight fugitive, is dismissed prior to the fugitive's apprehension, the office having the Bureau's entry on file in NCIC must immediately (within 24 hours) "cancel" said entry. The substantive case file must reflect that this has been done.

(4) Refer to the Manual of Administrative Operations and Procedures, Part II, Section 7 for additional NCIC procedures in this area.

EFFECTIVE: 02/14/97

21-15 LETTERS OF APPRECIATION

(1) If a local, state, or Federal law enforcement official apprehends or assists in the apprehension of a Bureau fugitive, a letter of appreciation from the Director will be forwarded to the official by FBIHQ upon appropriate recommendation of the SAC.

(2) The recommendation, which may be set forth in the apprehension teletype, a separate communication, or by Form FD-468, must include the following:

(a) Official name, rank, and address of the officer causing the apprehension.

(b) Official name, rank, and address of the person in charge of the agency involved.

(c) Results of office indices checks against these individuals.

(d) Sufficient details to enable FBIHQ to afford the matter appropriate attention.

EFFECTIVE: 11/08/82

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21-16 VERIFYING FEDERAL AND LOCAL PROCESS

(1) For those fugitives for whom Federal arrest process is outstanding, the office of prosecution shall verify once a year that the process is still outstanding and contact the USA to determine whether USA still desires to prosecute the fugitive if apprehended.

(2) For those fugitives wanted under the Unlawful Flight Statute, the underlying local process and intention of local authorities to extradite for prosecution or reconfinement must be verified once a year.

(3) When subsequently verifying Federal and/or local process for those fugitives after the case has been placed in a pending inactive unassigned status, because they are Mexican citizens who have fled to Mexico where they are not subject to extradition and deportation, it should be made a matter of record in the case file and need not be reported to FBIHQ.

EFFECTIVE: 11/08/82

21-17 DISMISSAL OF FEDERAL OR LOCAL PROCESS PRIOR TO
APPREHENSION

(1) If the federal process, or local process in the case of an unlawful flight subject, is dismissed prior to a fugitive's apprehension, the office of origin or office of prosecution, when other than the office of origin, should immediately notify FBIHQ and all auxiliary offices by routine teletype to discontinue. The word, "FUGITIVE," should be carried in the title of this teletype.

(2) This notification will enable FBIHQ to promptly remove the fugitive stop in the Criminal Justice Information Services Division and delete the subject from its fugitive index.

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21-18 PENDING INACTIVE STATUS WHEN ALL LOGICAL INVESTIGATION HAS
BEEN CONDUCTED

(1) In fugitive cases, when all logical investigation has been conducted and the subject is still in fugitive status, FBIHQ can be requested on a UACB basis to allow the office of origin to place the case in a pending inactive status for six months for "A," "B," and "D" priority fugitives and for one year for "C" priority fugitives. "D" priority cases can also be placed in pending inactive status for six months when it has been determined that the parent who kidnaped the child is residing in a foreign country and, for whatever reason, the local authorities will not or are unable to have the subject extradited back to the United States.

(2) Prior to submitting such a request, conduct an in-depth file review in an effort to develop logical leads which may have been overlooked or bear recoveage due to the passage of time.

(3) Following this review, if your request is still desired, prepare a comprehensive summary report setting forth the full scope of investigation conducted for review by FBIHQ.

(4) The administrative section of the cover page should contain a statement that UACB this case is being placed in a pending inactive status for six months or one year (depending on the fugitive priority), since all logical investigation has been thoroughly conducted, after which time the case will be made pending and appropriate leads will be set out in an effort to locate and apprehend the subject.

EFFECTIVE: 10/18/88

21-19 LOCATING AND RELOCATING FUGITIVES OUTSIDE THE UNITED
STATES

EFFECTIVE: 10/18/88

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21-19.1 Requesting Investigative Assistance Abroad - Extradition
Deportation

(1) In most instances, requests for fugitive investigations abroad will be handled by Legal Attaches (Legats) (see Part II, 23-4.5, of this manual) and in those areas not covered by a Legal Attache, through liaison with Interpol (see Part II, Section 163-10, of this manual), the U.S. Department of State, [REDACTED]

b3
b7e
CIA

(2) When submitting requests for fugitive investigations to our Legats through FBIHQ, include in the cover airtel, when LHM used, and set forth in the administrative section of a teletype, letter or airtel, where no LHM is used, the results of a recent contact with the USA or a local prosecutor if the fugitive matter is unlawful flight (UFAP) in nature. Set out a statement, if such is the case, that the USA (state authorities, if UFAP matter) will initiate the necessary action for subject's extradition if the fugitive is successfully located and informal deportation is not a possibility.

(3) Further, specifically include, where possible, the USA's (local prosecutor's, if UFAP matter) assessment of the seriousness of the case, the likelihood of conviction and whether subject can be expected to be released on bond or remanded to custody upon subject's return to this country.

(4) Legal Attaches will attempt to arrange informal deportations for FBI fugitives whenever possible. The U.S. Marshals Service (USMS) funds and handles transportation in informal deportations in the same manner that they handle extradition situations. All Legal Attaches, upon locating an FBI fugitive abroad, who would be available for informal deportation, are to notify FBIHQ by teletype, furnishing the identity and telephone number, if possible, of the local official in the particular country and/or embassy representative with whom the matter should be coordinated. FBIHQ will then notify the office of origin (OO) and the Office of International Affairs, Department of Justice (DOJ), who will then coordinate with the Enforcement Operations Division, USMS Headquarters, to request appropriate funding and transportation assistance. If the fugitive is the subject of an Unlawful Flight warrant, the Legal Attache will provide an estimate of expenses and, through FBIHQ, request OO to ensure that the interested State authorities are willing to assume the cost of the informal deportation, which would be subsequently billed to them by the U.S. Marshal. If the State authorities agree, OO is to advise the Legal Attache, through FBIHQ, and notify the Marshal holding the Federal

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warrant that a request for deportation transportation will be made of their headquarters by FBIHQ through DOJ.

EFFECTIVE: 10/18/88

21-19.2 Mexican Citizen in Mexico

FBI fugitives who are Mexican citizens and who flee to Mexico are not subject to extradition or deportation. The office of origin should submit an appropriate communication to the proper border office or to FBIHQ for transmission to Legat, Mexico City, requesting that the fugitive be located. Once the fugitive is initially located in Mexico, no further action should be taken to relocate him/her in Mexico in the future by either Legat, Mexico City, or a border office and the case should be placed in a pending inactive unassigned status by the office of origin with the fugitive stops outstanding. If information is received that a fugitive has returned to the United States, the case should be reopened and investigation conducted to effect his/her apprehension. For those fugitives for whom Federal arrest process is outstanding, the office of prosecution shall verify once a year that the process is still outstanding and contact USA to determine whether USA still desires to prosecute the fugitive if apprehended. For those fugitives wanted under the Unlawful Flight Statute, the underlying local process and intention of local authorities to extradite for prosecution or reconfinement must also be verified once a year.

EFFECTIVE: 10/24/85

21-19.3 Fugitives Outside the United States Other Than Mexican Citizens in Mexico

The office of origin should submit an appropriate communication to the proper border office or to FBIHQ for transmission to the appropriate Legat or agency, if the country in question is not covered by our Legats, requesting that the fugitive be located. Once the fugitive is initially located in the foreign country and if his/her deportation or extradition cannot be legally accomplished or will not be instituted, the case should be placed in a pending inactive status by the office of origin, with stops outstanding, upon completion of all other necessary investigation. If information is received that a fugitive has returned to the United States, the case

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should be reopened and investigation conducted to effect his/her apprehension. For those fugitives wanted under the Unlawful Flight Statute, the underlying local process and intention of local authorities to extradite for prosecution or reconfinement, if apprehended within the United States, must be verified once a year. For those fugitives for whom Federal arrest process is outstanding, the office of prosecution shall verify once a year that the process is still outstanding and contact the USA to determine whether USA still desires to prosecute the fugitive if apprehended within the United States. Fugitive cases involving non-Mexicans in Mexico and others previously located abroad should be reopened and the subjects relocated every two years through the above procedures.

EFFECTIVE: 10/24/85

| 21-19.4 | Fugitives Outside the United States |

| (1) | When it is determined a fugitive has left the United States, the office of origin should immediately establish and maintain a lookout notice (Form FD-315) with the U.S. Immigration and Naturalization Service (INS). Upon the fugitive's apprehension or dismissal of process, it is likewise the responsibility of the office of origin to discontinue this notice (see Part II, 10-7.5.2 of this manual for procedures for establishing and canceling INS stops).

| (2) | As soon as it appears likely that a fugitive may be located in a foreign country, you should notify the prosecutor, either the U.S. Attorney or the local prosecutor in unlawful flight cases, that he or she should contact the Office of International Affairs (OIA), Criminal Division, U.S. Department of Justice, promptly. In addition, as soon as such an arrest appears likely, you are to notify the substantive division at FBIHQ, with copy to the Office of Liaison and International Affairs, so that FBIHQ may notify OIA. |

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Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

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21-20 FUGITIVE INVESTIGATIONS FOR OTHER FEDERAL AGENCIES

(1) Special requests are occasionally received by the field from other Federal agencies or from USAs to conduct investigation to locate fugitives wanted for Federal violations within the primary jurisdiction of other Federal agencies.

(2) When such requests are received, promptly submit to FBIHQ by airtel or teletype, depending on the urgency, the complete details including the reasons for the request. Hold all investigation in abeyance pending FBIHQ instructions.

(3) All fugitive investigations conducted by the FBI for other Federal agencies (example: DEA Fugitives) should be classified as 62E matters.

EFFECTIVE: 10/25/89

21-20.1 Fugitive Inquiries Abroad on Behalf of U.S. Marshals Service (USMS)

(1) Based upon an agreement reached with the FBI, the USMS may request, through FBIHQ, investigative assistance of our Legal Attaches to conduct limited agency-type inquiries in fugitive matters within the jurisdiction of their agency.

(2) Requests for assistance will be forwarded, by letter to FBIHQ, reviewed, and transmitted to the appropriate Legal Attache for handling, if such requests conform to the existing agreement; i.e., are merely agency checks and do not involve the location or apprehension of a fugitive. Conduct no inquiries unless they are forwarded from FBIHQ.

(3) Upon completion of the inquiry by the Legal Attache, it should be forwarded to FBIHQ, Attention: Fugitive/Government Reservation Crimes Unit, in a form suitable for dissemination to USMSHQ.

(4) As requests should be few in number, Legal Attaches are to establish a control file in the "62" classification and handle inquiries out of such file. All correspondence to FBIHQ should utilize the caption noted above and include, as a subcaption, the name(s) of the subject(s). Appropriate serializing and indexing should be made for record and retrieval purposes.

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EFFECTIVE: 10/25/89

21-21 FUGITIVE INQUIRIES

When attempting to determine if an individual is a Bureau fugitive or is wanted by another agency, the following procedures should be followed:

- (1) Obtain all known background, descriptive data and identifying numbers.
- (2) If identifying numbers, such as date of birth or SSAN, are known, make an inquiry of NCIC through the terminal located in the field office.
- (3) Inquiry can be made through another agency's NCIC terminal when advantageous or convenient; however, your office's NCIC identifier must be used to identify the inquiry as Bureau originated.
- (4) If NCIC is negative or cannot be utilized because of the lack of an identifying number, direct a teletype or electronic communication, depending on the urgency, to FBIHQ. Set forth the details and data along with the results of the NCIC check and request a check of the FBIHQ fugitive index and Criminal Justice Information Services Division records. (See MIOG, Part II, 21-4(2).)
- (5) Whenever possible, inquiries should be worded "Advise only if fugitive or wanted" to avoid the need for a negative reply.
- (6) If a reply is desired, specifically indicate by stating "Advise whether or not a fugitive or wanted."
- (7) Avoid ambiguous language such as "Advise if fugitive" or "Advise if wanted." Such requests will be interpreted to mean "Advise only if fugitive or wanted."
- (8) In those instances where a reply is desired and an electronic communication is used, one extra copy of the electronic communication should be submitted to FBIHQ for each office that is to be advised.
- (9) If there is no record of being a Bureau fugitive or wanted by another agency, FBIHQ will appropriately stamp copies of the

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incoming communication and forward same to the interested offices by routing slip.

EFFECTIVE: 05/13/96

21-22 FBIHQ FUGITIVE INDEX (See MAOP, Part II, 7-2.1(1).)

(1) An alphabetical fugitive index containing all currently designated Bureau fugitives is maintained in the Violent Crimes/Fugitive Unit, Criminal Investigative Division, FBIHQ.

(2) When attempting to determine if an individual is a Bureau fugitive and identifying numbers are not available in order to check NCIC, an inquiry based on the individual's name can be made of these fugitive indexes at FBIHQ.

(3) Fugitive inquiries may be made using only the fugitive's name, if no other data is available, by calling ██████████ ██████████ 7 a.m. - 5:30 p.m., Eastern Time, Monday through Friday, or by calling ██████████ during off-hours. b2

EFFECTIVE: 08/18/94

21-23 POSSIBLE FUGITIVE LEADS

The following possible fugitive leads are not intended to be all inclusive, but should be utilized when appropriate in addition to the usual investigative steps taken in a fugitive investigation in an effort to locate and apprehend the subject:

(1) If it is known or suspected that the subject has left the country, request WMFO to cause a search of the records of the Passport Office, Department of State, Washington, D.C., to determine if the subject has applied for or received a passport. b2
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(2) If the subject is an alien, request WMFO to cause a search of the records of the Alien Registration Division, INS, Washington, D.C., for information alien is required to furnish under the provisions of the Alien Registration Act of 1940.

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(3) If the subject is a former military person, contact the nearest regional office of the Department of Veterans Affairs which will advise which regional office has subject's records on file through which any compensation or insurance benefits can be determined.

(4) If the subject is or was a merchant seaman, request WMFO to contact U.S. Coast Guard Headquarters, Washington, D.C., for a record check. The number of the subject's seaman's certificate of identification (Z-number), if known, should be furnished.

(5) If the subject previously served in the Air Force, Army, Marines, or Navy, request the proper office to cause a review of subject's military records.

(6) Utilization of a circular letter if appropriate and with FBIHQ approval.

(7) [REDACTED]

(8) [REDACTED]

(9) [REDACTED]

(See [REDACTED] for restrictions on the use of this technique.)

(10) Use of the All Writs Act (AWA), Title 28, USC, Section 1651, to obtain records to locate federal fugitives. All Writs Act orders for the production of records may be requested in all federal fugitive investigations, including unlawful flight fugitives, subject to the following requirements:

(a) There must be an outstanding arrest warrant for the fugitive issued by the U.S. District Court (USDC) or the U.S. Magistrate.

(b) The AWA order can only be issued in the federal district court where the criminal case is pending. Such orders are valid and may be executed in any federal judicial district. Therefore, where the records sought are located in a district other than the district of issuance the order should be transmitted to the field office where the records are located and the records should be produced to Agents of that office.

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(c) The order should be obtained from a judge of the USDC unless the USDC has delegated appropriate authority to the U.S. Magistrate. The USA's office should be able to make this determination.

(d) The orders should allow sufficient time (10-12 days) between the date of the orders and the required production of the records to allow the affected company to challenge the order in the district court of issuance if it desires to do so. This requirement does NOT preclude more timely production of the records if the company is cooperative.

(e) The affidavit should demonstrate the reasonable belief that the records sought may be of assistance in locating the fugitive.

(f) Although [REDACTED] will probably be the most common records sought with this procedure, AWA orders may be used for the production of other records which might assist in the location of the fugitive. However, AWA orders may not be utilized to obtain records to locate federal parole violators who are wanted on federal parole violators warrants because there is no pending case in the USDC and the court thus lacks jurisdiction. Also, AWA orders may not be utilized to obtain records to locate mandatory release violators (MRVs) since they have the same status as federal parole violators (no pending case in the USDC).

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(g) Memorandum to All SACs, dated 10/19/83, captioned "USE OF ALL WRITS ACTS TO OBTAIN RECORDS TO LOCATE FEDERAL FUGITIVES," provided sample forms designed to facilitate the use of this technique.

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(16) Leads should be set forth to review police reports, and an inquiry of the Interstate Identification Index should be performed for criminal history data on the subject.

(17) The cooperation of the subject's bondsmen may be sought if circumstances indicate that this procedure is advisable.

[REDACTED]

[REDACTED]

(20) Consider obtaining return information concerning the fugitive from the Internal Revenue Service (IRS). See Part II, Section 19, of this manual.

(21) Consider requesting the issuance of an Interpol International Wanted Notice if the fugitive is believed to be traveling abroad. (See Part I, Section 163-10, of this manual for procedures to request issuance of these notices.)

(22) Placing of Fugitive Stops in State and Local Identification Bureaus: The office of origin in fugitive matters should disseminate copies of fugitive fingerprint cards to auxiliary offices requesting that the fingerprints be searched and/or filed in local and state identification bureaus. In order to ensure the full

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cooperation of state and local identification bureaus, the office of origin should disseminate only photographic or laminated copies of fingerprint cards to auxiliary offices to place fugitive stops with these bureaus. Request laminated copies of fingerprint cards from the Criminal Justice Information Services Division, West Virginia Operations (Attention: Module D-2 AHTW). (See Part II, 14-12.3.5 and 21-4 (3) of this manual.)

(23) (See Part I, Section 88-7.5, of this manual, for access to information from the Federal Parent Locator Service (FPLS), UFAP - Parental Kidnapping - Child Abduction Matters.)

(24) See Part II, Section 19, of this manual, entitled "Location Of Other Government, Industrial, and Organizational Records," which sets forth a multitude of federal, state, territorial and private industry records by location and field offices covering same that may be the basis for record checks and stops.

(25) See Part II, Section 10, of this manual, entitled "Records Available and Investigative Techniques," which sets forth, either directly or by MIOG cross-reference, numerous investigative techniques that may be utilized in fugitive investigations.

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EFFECTIVE: 07/23/90

21-25 IDENTIFICATION ORDERS, WANTED FLYERS, AND CHECK CIRCULARS

EFFECTIVE: 02/16/89

21-25.1 Basis for Issuance

(1) Identification orders (IO) and wanted flyers may be issued by FBIHQ in our more important fugitive cases involving badly wanted fugitives who have committed or been charged with crimes of a more serious or violent nature having considerable public interest.

(2) Check circulars may be issued by FBIHQ in cases of fugitives who are notorious fraudulent check passers and who are engaged in a continuing operation of passing checks.

(3) These wanted notices are issued by FBIHQ in the above appropriate cases to aid the fugitive investigation through increased

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publicity and cooperation when all logical productive investigation has been conducted and the fugitive investigation is at a standstill, or when the earlier issuance is merited due to the magnitude of the crimes or notoriety of the fugitive involved.

EFFECTIVE: 02/16/89

21-25.2 Requesting Issuance

(1) In the event that the issuance of an IO, wanted flyer or check circular is desired and appropriate, the office of origin may request its issuance during any stage of the fugitive investigation by self-explanatory Form FD-61. In addition, when submitting an FD-61 each office should also submit a comprehensive nonprosecutive summary report setting forth significant investigation conducted to locate the fugitive as well as information relative to leads outstanding.

(2) The original and one copy of the FD-61 should be submitted to FBIHQ by cover airtel marked to the attention of the Fugitive/Government Reservation Crimes Unit, Criminal Investigative Division, to ensure prompt receipt and consideration.

(3) Since the purpose of a wanted flyer is to cause immediate nationwide circularization of the flyer, usually at the outset of the fugitive investigation, the office of origin may request the issuance of a wanted flyer, if desired and appropriate, by teletype or telephone confirmed by teletype.

(4) An existing wanted flyer on file should be utilized as a guide in providing the necessary data needed and this data should be furnished in both the telephone call and teletype to FBIHQ. An FD-61 should subsequently be furnished to FBIHQ since the wanted flyer will be followed up by the issuance of an identification order.

(5) Since an identification order is promptly issued by FBIHQ for the subject after the issuance of the wanted flyer, wanted flyers will only be issued in very extraordinary fugitive situations because of the duplication and cost factors involved.

(6) In regard to requests from the field for issuance of these wanted notices, they will be issued by FBIHQ only after close scrutiny. If additional information is needed by FBIHQ before rendering a determination the office of origin will be requested to submit additional details.

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(7) In certain instances, FBIHQ based on its judgment, will direct the office of origin to submit an FD-61 for the issuance of an identification order or check circular or provide necessary data for the issuance of a wanted flyer.

EFFECTIVE: 02/16/89

21-25.3 Procedures After Issuance

(1) After the issuance of the wanted flyer, identification order or check circular, the office of origin should modify its NCIC record on the subject to include the wanted flyer, identification order or check circular number in the "miscellaneous" field.

(2) Upon issuance of an identification order or check circular, FBIHQ will prepare a letter to all offices enclosing five smooth finished copies of the subject's photograph to be utilized for press or news media purposes.

(3) Upon the issuance of an identification order, wanted flyer, or check circular and the above letter by FBIHQ, the office of origin should, by cover airtel, promptly forward to FBIHQ and each office four copies of an LHM setting forth pertinent background and descriptive information concerning the fugitive. The airtel should be appropriately noted "Summary - Background Airtel," while the LHM should include separate headings as follows: Facts of Offense; Federal Process; Brief Personal History; Modus Operandi, and Other Interesting Facts; Identification Record; Facts as to Dangerousness and/or Suicidal Tendencies; and Detailed Physical Description.

(4) Each office, upon receipt of the "Summary - Background Airtel," should carefully review it to determine if the facts suggest the basis of self-initiated investigation and if so, a case should be promptly opened and assigned. A case should not be opened unless this review results in specific leads. In all instances, this case should be closed within 90 days in the absence of generating specific leads.

(5) Following the submission of the "Summary - Background Airtel," on a regular basis at intervals not to exceed 120 days, the office of origin should furnish FBIHQ a comprehensive summary airtel setting forth information as to the progress and direction of its

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fugitive inquiries.

(6) To assist FBIHQ in monitoring and evaluating the effectiveness of this program, the apprehending office should advise in its apprehension teletype to FBIHQ whether or not the particular wanted notice contributed to the fugitive's location and apprehension. If positive, state how the information was obtained and from whom.

(7) Upon receipt of an identification order, wanted flyer or check circular, each office will conduct driver's license and vehicle registration checks of all state licensing agencies covered by the division using true name and all aliases of subject. These checks are also to be conducted upon receipt of additional aliases and on true names and aliases of known associates that may subsequently be furnished to each field division. Dates and results of these checks are to be recorded in the appropriate fugitive file.

EFFECTIVE: 01/21/86

21-25.4 Administrative Handling by Field Office of Identification Orders (IOs), Wanted Flyers, and Check Circulars

A list of numbers in succession is to be prepared in each field office. As each IO is received, true name of subject is to be written opposite number on list which is identical with number on IO. Draw a line through number to indicate that IO has been received. Same procedure is carried out for wanted flyers and check circulars.

EFFECTIVE: 01/21/86

21-25.4.1 Procedure When Received by Field Office

- (1) Check number against list. If any are missing, advise FBIHQ.
- (2) Check index for information on all subjects;
 - (a) If no file exists, prepare index cards for each name and alias. IO, wanted flyer, and check circular numbers are to appear on all cards made.
 - (b) Prepare a dead investigative file.

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(3) Put five copies of IO, wanted flyer or check circular in investigative file and date stamp top one.

(4) Put one copy on bulletin board.

(5) Send one copy to each Agent having a need for same. All Agents will not receive them.

(6) Keep FBIHQ advised of number of IOs, wanted flyers, and check circulars required for investigative purposes.

(7) Put one copy in appropriate 66 classification file of outstanding IOs, wanted flyers, or check circulars. These files are only for IOs, wanted flyers, or check circulars which have not been discontinued.

EFFECTIVE: 01/21/86

21-25.4.2 Miscellaneous Instructions Regarding IOs, Check Circulars and Wanted Flyers

(1) Agents may keep those IOs, check circulars, and wanted flyers which may be of value to them.

(2) Use apprehension communications to keep 66 administrative file current.

(3) An outstanding list showing identity of all IOs, wanted flyers, and check circulars is published as of March 31 and September 30 of each year. List will contain sequence numbers of such items which have been discontinued since previous list.

EFFECTIVE: 01/21/86

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21-26 TEN MOST WANTED FUGITIVES PROGRAM

(1) Individuals selected as the Ten Most Wanted Fugitives are chosen by FBIHQ from existing IO subjects.

(2) Ten Most Wanted Fugitive cases, after being so designated, must be kept pending in all field offices until a complete review of the case has been made and all logical investigation has been conducted. Thereafter, all offices except origin may place such matters in closed status, if the fugitive has not been located by that time.

(3) While primary responsibility for direction of each case is with the office of origin, all offices are expected to participate fully in the initiation of logical investigation, which should include full exploitation of various news media outlets throughout their territory.

(4) During this investigation each office must initiate investigation suggested by characteristics, background, and habits of the fugitive, as well as on the geography, climate, employment, and recreation facilities unique to a particular office area. Fully exploit investigative techniques which are readily available, including informants, auto vehicle bureaus, other Government records, and general sources and avenues of employment, including spot-labor pools.

(5) On an annual basis, each subject in the Ten Most Wanted Fugitives Program will be examined to determine if the individual fits the criteria for the Ten Most Wanted Fugitives Program. The review will be conducted one year from the date placed on the Ten Most Wanted Fugitives List. When conducting the review, office of origin and local police agencies having an interest in the individual will be contacted for input concerning retention of the individual on the Ten Most Wanted Fugitives List.

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21-27 DISTRIBUTION OF WANTED NOTICES (IDENTIFICATION ORDERS,
WANTED FLYERS, AND CHECK CIRCULARS)

(1) When a wanted flyer is issued, 50 unfranked and unfolded copies will be sent to each office by first-class mail. Each Legal Attache will receive five copies. Upon receipt of these wanted flyers, each field office should immediately distribute them to major law enforcement agencies, news media representatives, including television, and to appropriate Agent personnel. File copies, of course, should be retained.

(2) In most situations where a wanted notice would be appropriate, an IO, check circular or circular letter should be considered.

EFFECTIVE: 02/19/85

21-27.1 Field Mailing Lists

(1) Field mailing lists previously used to distribute IOs and other wanted notices were centralized and automated at FBIHQ in 1981. Wanted notices are now distributed outside the Bureau by FBIHQ as they are issued. IOs are issued and distributed in pairs depicting different subjects to conserve postage costs.

(2) Although field mailing lists are centralized, automated, and maintained at FBIHQ, individual recipients are identifiable by the field office covering the recipient's address to facilitate corrections, additions, deletions, and possible special mailing uses within a particular division's territory.

(3) Field mailing lists are organized and arranged into seven distinct groups of recipients as follows:

01 - U.S. Post Offices, Branches, and Stations operated by classified U.S. Postal Service personnel.

02 - Federal law enforcement and investigative agencies operated by the Federal Government.

03 - State law enforcement agencies operated by state governments such as the state police, highway patrol, and identification bureaus.

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04 - City, county, and local law enforcement agencies such as police departments, sheriffs' departments, and town marshals.

05 - Certain foreign law enforcement agencies at all levels which are operated by governments outside the United States and its territories.

06 - All other recipients not included in one of the above categories and designated by an SAC to receive wanted notices.

07 - U.S. Postal Inspectors and Examiners.

(4) In order to ensure delivery of wanted notices to recipients, they are now addressed whenever possible to an official using only his/her title, such as Chief of Police, Sheriff, or Identification Officer, rather than his/her name. Experience has shown that wanted notices addressed to individuals by name are occasionally returned to the Bureau "undeliverable" because the person has retired, resigned, or is otherwise no longer associated with the agency.

(5) When wanted notices are returned to the Bureau as "undeliverable," an attempt will be made to correct the recipient's address listed in the field mailing list from reference material at FBIHQ and/or contact with the appropriate field office. In the event a valid address for the recipient cannot be readily ascertained the record will be removed from the field mailing list.

(6) Field offices should attempt to ensure that all U.S. Postal facilities and law enforcement agencies described in the above categories are included in their respective mailing list. Such verification checks may be accomplished while contacting the particular agency during the regular course of business. Additions, corrections, and deletions may be made by routing slip addressed to the Bureau, Attention: |Fugitive/Government Reservation Crimes|Unit, Criminal Investigative Division. The title only of the official who is to receive wanted notices together with the agency's full address, including ZIP Code, and number of wanted notices required, should be clearly set forth.

(7) Other recipients, as in category 06 described above, may be added to a field office's mailing list on SAC authority. Ensure such recipients both want and can use Bureau wanted notices. Additions, corrections, and deletions to this category of recipients may also be made by routing slip addressed to the Bureau, Attention: |Fugitive/Government Reservation Crimes|Unit, Criminal Investigative

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Division. The title only of the person (Security Officer, Manager, etc.) who is to receive the wanted notices together with the organization's full address, including ZIP Code, and the number of wanted notices required, should be clearly set forth.

EFFECTIVE: 07/23/90

21-28 FUGITIVE|SUBPROGRAM|- POLICY ON FUGITIVE APPREHENSION IN
FBI AND DRUG ENFORCEMENT ADMINISTRATION (DEA) CASES AND
U.S. MARSHALS SERVICE (USMS) INVOLVEMENT

EFFECTIVE: 07/23/90

21-28.1 Background|(See MIOG, Part I, 115-1.)|

(1) On 8/11/88, the Attorney General authorized the following policy, which went into effect on 9/22/88. This policy applies to fugitives in FBI and DEA cases and foreign fugitives and supersedes all prior interagency Memoranda of Understanding on fugitive apprehension responsibility in FBI and DEA cases, including the 1979 agreement between the FBI and the USMS and the 1982 agreement between the FBI and DEA. This policy was further clarified by the Attorney General's Office on 12/11/91 wherein a definitive ruling was made that the FBI will maintain primary investigative jurisdiction regarding conspiracies to violate the Escape and Rescue Statutes (ERS).

(2) Since these investigations can be complex, involving

b2
b7E
[REDACTED] these matters should be investigated under Bureau classification 90, Irregularities in Federal Penal Institutions (IFPI). The purpose of this policy is to prevent escape and to ensure appropriate investigation in order to support prosecution of those involved in conspiracies to escape Federal custody or confinement.

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EFFECTIVE: 09/07/93

21-28.2 Arrest Warrants

(1) The FBI and DEA shall have apprehension responsibility on all arrest warrants resulting from their own investigations.

(2) Notwithstanding paragraph (1), the DEA may delegate apprehension and administrative responsibility (including initial NCIC entry) to the USMS whenever the subject of a DEA arrest warrant is not apprehended within seven days after issuance of the arrest warrant, or it may elect to retain this responsibility in individual cases for investigative purposes. The delegation becomes effective upon notification of USMS by DEA.

(3) In cases of joint FBI-DEA investigations and multiple agency task force investigations, it shall be the decision of the lead agency whether to have the investigating agencies maintain apprehension responsibility themselves or delegate apprehension responsibility to the USMS.

EFFECTIVE: 07/23/90

21-28.3 Post-Arrest

(1) The FBI, in an FBI case, shall have apprehension responsibility whenever there is a bond default violation prior to adjudication of guilt.

(2) The USMS, in a DEA case, shall have apprehension responsibility whenever there is a bond default violation prior to adjudication of guilt.

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21-28.4 Post-Conviction/Other Than Escapes

(1) The USMS shall have apprehension responsibility whenever after adjudication of guilt there is a Federal probation, parole, or bond default or mandatory release violation, except as set forth below.

(2) The USMS will promptly notify the original investigating agency whenever there is such a violation.

EFFECTIVE: 07/23/90

21-28.5 Escapes

(1) The USMS shall have apprehension responsibility whenever there is a violation of the Federal ERS. However, any allegation(s) of conspiracy to escape will be investigated by the FBI under Bureau classification 90 (IFPI). (See 21-28.6(4).)

(2) The USMS will promptly notify the original investigating agency whenever there is an escape.

EFFECTIVE: 09/07/93

21-28.6 Exceptions (See MIOG, Part II, 21-28.8(6).)

(1) Upon written notice to the USMS as provided in paragraph (3) below, the FBI will have exclusive apprehension responsibility in its own cases at any stage when a fugitive, or the organization of which he/she is a current member, is the subject of an existing FBI Foreign Counterintelligence, FBI Organized Crime, or FBI Terrorism investigation. (The term, Organized Crime, covers those organizations being investigated by the FBI as a "racketeering enterprise" pursuant to the Attorney General's Guidelines on Racketeering Enterprise Investigations and the criteria set forth in Part I, Section 92 of this manual.)

(2) Upon written notice to the USMS as provided in paragraph (3) below, the FBI or DEA may assume apprehension responsibility in any case where the FBI or DEA is seeking the

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fugitive on an arrest warrant based on charges filed by it for an additional offense beyond the one for which the subject is a fugitive.

(3) In those situations where the FBI or DEA elect to assume apprehension responsibility, agency Headquarters shall immediately notify USMS Headquarters. The assumption of apprehension responsibility becomes effective seven calendar days after receipt of notice by USMS Headquarters. During that seven-day period, the investigating agency and USMS shall fully coordinate their fugitive apprehension efforts. The USMS for good cause may request the investigating agency to consent to the continuation of USMS apprehension efforts for a limited or indefinite period of time.

Should that consent be declined, the USMS may request the Associate Attorney General to approve a limited or indefinite continuation. Such a request will be made within the seven-day period. In making this decision, the Associate Attorney General will consider the relative interests of each agency and the need for swift apprehension of the fugitive. The Associate Attorney General shall make this decision within 48 hours of receiving a request. The fugitive investigation will continue to be coordinated by the agencies during the time the Associate Attorney General is considering the matter.

|(See MIOG, Part II, 21-28.9(1).)|

(4) In the event of an escape, it is particularly important that fugitive apprehension efforts be closely coordinated during the seven-day period following notice given as outlined in paragraph (3). The investigating agency shall assume sole apprehension responsibility at the conclusion of the prescribed period. However, the USMS and the agency shall be responsible for maintaining an orderly transition, which would include capitalizing on leads developed by the USMS during its initial investigation of escape. Any allegation(s) of conspiracy to escape should be investigated by the FBI as stated in the Escapes Section (21-28.5(1)).

(5) The investigating agency shall return apprehension responsibility to the USMS if the reason for the exception is no longer applicable. (For example, if the FBI is seeking an escapee, because it has an arrest warrant for him/her, and the arrest warrant is later withdrawn because the case is dismissed, apprehension responsibility for the escape would be returned to the USMS.)

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EFFECTIVE: 09/07/93

21-28.7 Unlawful Flight Statute

(1) The FBI shall have such jurisdiction in locating fugitives pursuant to the Unlawful Flight Statutes (Title 18, Sections 1073 and 1074), but, in exercising it, the FBI will not seek an Unlawful Flight warrant when the USMS is already seeking the fugitive as an escapee, probation/parole, mandatory release, or bond default violator. Nor will the FBI seek an Unlawful Flight warrant against any fugitive already sought by the USMS pursuant to the Federal Escape and Rescue Statutes. The above provisions shall not preclude the USMS from providing available information to state and local law enforcement agencies about fugitives being sought by their jurisdictions. The initiation of formal fugitive investigations involving state and local fugitives will be done through the Unlawful Flight process set forth above, except for special apprehension program (such as Fugitive Investigative Strike Teams and Warrant Apprehension Narcotics Teams) and other special situations approved by the Associate Attorney General.

(2) The FBI will notify the USMS of any state or local requests for Unlawful Flight assistance in situations described above. The FBI will also notify local or state authorities that the USMS is already seeking that person. In these situations, the USMS will notify the appropriate local or state authorities when a fugitive has been apprehended, so that a local detainer can be placed.

(3) If state or local authorities request the assistance of the USMS in locating or apprehending a fugitive and it is determined that the fugitive is the subject of an FBI or DEA warrant, the USMS shall refer the requesting agency to the FBI or DEA for assistance and notify the FBI or DEA of the request by state or local authority.

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21-28.8 Foreign Fugitives

(1) The USMS shall have location and apprehension responsibility for a fugitive sought in the United States by a foreign government, except as provided below.

(2) The FBI shall have location and apprehension responsibility for such a foreign fugitive: (a) whenever the fugitive, or the organization of which he/she is a current member, is the subject of an existing FBI Foreign Counterintelligence, FBI Organized Crime, or FBI Terrorism investigation; (b) whenever the FBI is seeking the fugitive on an arrest warrant for a Federal offense; (c) whenever the fugitive is the subject of an FBI investigation which it is currently conducting at the request of the foreign government concerned; or (d) whenever a referral has been made exclusively to the FBI through one of its legal attaches.

(3) The DEA shall have location and apprehension responsibility for such a foreign fugitive: (a) whenever the fugitive is the subject of a DEA investigation which it is currently conducting at the request of the foreign government concerned; or (b) whenever a referral has been made exclusively to the DEA through one of its country attaches.

(4) INTERPOL-U.S. NATIONAL CENTRAL BUREAU (USNCB) shall, upon receiving from a foreign government a request for the location or apprehension of such a fugitive, refer such a request to the USMS, FBI or DEA in accordance with the provisions of paragraphs (1) through (3) above. However, nothing herein precludes referral of such requests instead, where appropriate, to the U.S. Immigration and Naturalization Service for action under the immigration laws or to state and local law enforcement authorities in accordance with INTERPOL'S internal procedures and practices. (This policy is applicable to Department of Justice agencies only. If a Department of the Treasury agency received an exclusive referral, it would, of course, handle the matter pursuant to Department of the Treasury or agency policy.)

(5) Upon receiving a request from a foreign government for the location or apprehension of a fugitive, the FBI, DEA, USMS or the Office of International Affairs (OIA), Criminal Division, shall notify INTERPOL-USNCB of this fact to determine the existence of any parallel request or investigation with respect to the fugitive.

(6) Once a matter has been referred to the FBI, DEA, or USMS by INTERPOL-USNCB, the notice, coordination, and review

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procedures set forth in 21-28.6, above, shall govern if either of the other two agencies concludes it should have fugitive apprehension responsibility under the provisions of this policy.

EFFECTIVE: 09/20/89

21-28.9 Interagency Coordination

(1) In cases where the USMS is requested to provide apprehension assistance or to seek the apprehension of a fugitive sought by a Federal agency other than the FBI or DEA, and it is determined by the USMS through an NCIC or other appropriate inquiry that the FBI or DEA has an existing warrant, the USMS will notify the requesting agency of the existing FBI or DEA warrant. If the requesting Federal agency continues to seek USMS assistance, the USMS will notify the FBI or DEA of the request for assistance by the other agency. The FBI or DEA will either defer the USMS the fugitive apprehension responsibility in the particular case or assert the need to continue its apprehension responsibilities in regard to the fugitive. The USMS shall defer in those instances to the FBI or DEA, unless the requesting agency declines to accept the deferral. In such instances, the requesting agency, the USMS, and the FBI or DEA shall confer at the headquarters level to resolve the issue. If a resolution is not reached between the involved agencies on the issue, it will be referred to the Associate Attorney General under the same provisions as set forth in Section 21-28.6(3) above.

(2) The Director of the FBI, the Administrator of DEA, and the Director of the USMS shall each designate a representative to a working group charged with developing procedures to implement this policy. The Chief of Interpol (USNCB) may also designate a representative to attend any meetings concerned with implementation of policy set out in Section 21-28.8.

(3) Nothing in this policy prevents an individual investigating agency from delegating its designated apprehension responsibility in a particular case or category of cases to the USMS, or prevents the USMS in turn from delegating its designated apprehension responsibility to the investigating agency.

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21-29 ARREST, LOCATES, AND CRIMINAL SUMMONS STATISTICS (See MIOG, Part I, 25-10, 76-1.8, 76-2.9, 76-3.13, 88-12, & 115-7.)

(1) Statistics or fugitive apprehensions will no longer be scored as such.

(2) In lieu of fugitive apprehensions, all arrests, locates, and criminal summons will be utilized for statistical purposes.

(3) Arrests should be claimed only when Special Agents participate in the actual apprehension. Locates should be claimed in those instances where our investigative efforts or cooperative facilities result in the location of a suspect but Special Agents did not effect the arrest. Criminal summons should be claimed when a subject appears in response to a criminal summons.

(4) Arrests, locates, and criminal summons statistics will only be recorded and credited through the entry of Form FD-515, Accomplishment Report, into the Integrated Statistical Reporting and Analysis Application (ISRAA) by the office entitled to the statistic.

(5) In claiming all arrests and locates, the FD-515 must also reflect the subject's fugitive "A," "B," "C," or "D" priority. This priority is to be applied even where, technically, the subject may not be a fugitive such as a bank robber arrested in the act of the robbery. In claiming a criminal summons, there will be no "A," "B," "C," or "D" priority breakdown.

(6) The FD-515 should be promptly submitted within 30 days after the arrest, locate, or criminal summons.

(7) Submission of the FD-515, concerning arrests, locates, and criminal summons, should not be delayed to report other types of statistical accomplishments covered by said form; however, more than one type of statistic can be claimed on the same FD-515 if appropriate.

(8) In the event the office submitting the FD-515 (and thereby claiming the statistic since this form does not provide for crediting statistics to an office other than the submitting office) is an auxiliary office, a copy of the form should be provided the office of origin for filing in its substantive case file.

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(9) It will be the responsibility of the office of origin to ensure there is no duplication of reporting statistics.

(10) In all fugitive matters, including deserter cases, a ROUTINE teletype must still be appropriately submitted to FBIHQ and the office of origin to report the fugitive's arrest or location in addition to the FD-515. (See MIOG, Part I, 42-12.)

EFFECTIVE: 11/01/93

21-30 DISPOSITION OF ARRESTS

The disposition of all arrests involving all fugitives should be promptly obtained during the course of the investigation. If appropriate, information obtained from these dispositions should be utilized for lead information.

EFFECTIVE: 12/10/91

| 21-31 DELETED |

EFFECTIVE: 12/10/91

| 21-31.1 DELETED |

EFFECTIVE: 12/10/91

| 21-31.2 DELETED |

EFFECTIVE: 12/10/91

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SECTION 22. FBI BOMB DATA CENTER

|| 22-1 FBI BOMB DATA CENTER

| For information on the Bomb Data Center Program, please refer
| to Part II, Section 13-16.9 of this manual.

EFFECTIVE: 09/22/87

| 22-2 DELETED

EFFECTIVE: 09/22/87

| 22-3 DELETED|

EFFECTIVE: 09/22/87

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SECTION 23. MISCELLANEOUS

23-1 CRYPTONYMS (CODE NAMES)

EFFECTIVE: 01/31/78

23-1.1 Use In Major Case Title

The Criminal Investigative Division (CID) and the Intelligence Division (INTD) both currently use cryptonyms in major case titles for convenience or security reasons.

Cryptonyms are generated by either FBIHQ or by field offices handling the investigation. In either event, the cryptonym (or code name) should be submitted on a UACB basis for searching through FBIHQ indices to determine if that particular word has been previously utilized or indexed.

EFFECTIVE: 01/31/78

23-2 THE FAIR CREDIT REPORTING ACT (FBI USE OF CREDIT INFORMATION) TITLE 15, USC, SECTION 1681

The Fair Credit Reporting Act (FCRA) which became effective 4/25/71, requires consumer reporting agencies (i.e., credit bureaus) to follow certain procedures designed to protect the confidentiality, accuracy, relevancy, and proper use of credit information. The following provisions of the Act are of interest to the FBI:

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23-2.1 Section 1681a. Definitions

(1) Consumer Report - information communicated by a consumer reporting agency which relates to a consumer's credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living.

(2) Investigative Consumer Report - a consumer report that is based on personal interviews with neighbors, friends, associates, or acquaintances of the consumer.

EFFECTIVE: 01/31/78

23-2.2 Section 1681b. Permissible Purposes of Consumer Reports

Consumer reports may be furnished under the following specified purposes which have relevance to our investigations:

- (1) By appropriate court order.
- (2) According to the written instructions of the consumer (e.g., waivers in Bureau applicant investigations);
- (3) Where the recipient intends to use the information in connection with an employment application;
- (4) Where the recipient has a legitimate business need for the information in connection with a business transaction involving the consumer (e.g., Ascertaining Financial Ability cases).

EFFECTIVE: 01/31/78

23-2.3 Section 1681f. Disclosures to Government Agencies

Notwithstanding the provisions of Section 1681b, consumer reporting agencies may furnish a governmental agency identifying information regarding a consumer limited to:

- (1) His name;
- (2) Address;

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- (3) Former address;
- (4) Places of employment;
- (5) Former places of employment.

EFFECTIVE: 01/31/78

23-2.4 Section 1681g. Disclosure to Consumers

(1) A consumer, upon his request to a consumer reporting agency may obtain:

(a) The information contained in his credit file;
and,

(b) The identities of those receiving consumer reports concerning him for the 2-year period preceding his request where the reports were for employment purposes or the 6-month period preceding his request if the reports were furnished for any other purpose.

(2) If, for any reason, an investigative consumer report is requested, the consumer reporting agency, under the provisions of Section 1681d, must notify the consumer. This notification must be made not later than 3 days following the request. After receiving notification, the consumer may request the person, etc., who requested the investigative consumer report to provide him with complete disclosure of the nature and scope of the investigation requested not later than 5 days following receipt of the consumer's request.

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23-2.5 Section 1681e. Compliance Procedures

(1) Consumer reporting agencies are obligated to develop procedures which are designed to insure that a person, etc., receiving consumer reports uses that information for one of the permissible purposes set forth under Section 1681b and for no other purpose.

(2) To insure that the FBI, through inadvertence, does not improperly use credit data, all consumer reports received from a consumer reporting agency must be clearly identified when reported in any Bureau communication.

(3) All personnel must insure that consumer reports are not used for any purpose not specifically permitted under Section 1681b of the Act. Improper use of consumer reports could result in evidence being suppressed in a criminal proceeding against the consumer; civil litigation seeking to enjoin the FBI's continued use or possession of such information; and/or discovery of FBI files.

(4) Employees who make use of the following form communications should insure that any information, derived from a consumer reporting agency, is clearly identified in completing the form and that it was obtained and disseminated in a manner permissible under FCRA:

(a) FD-125 (Record Request);

(b) FD-159 (Record of Information Furnished Other Agencies).

EFFECTIVE: 01/31/78

23-2.6 Summary

(1) In view of the limitations imposed by this law, information requested of consumer reporting agencies will be restricted to:

(a) Identifying information (name, address, former addresses, place of employment, and former places of employment) which may be obtained in any case and

(b) Consumer reports, which may be obtained for employment purposes of the applicant alone in applicant-type

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investigations and where the Bureau has a legitimate business need for the information such as Ascertaining Financial Ability cases.

(2) When reporting information obtained from a consumer report, the source of the data should be clearly identified as a consumer reporting agency. Subsequent use of such information contained in Bureau files is prohibited except for the purposes authorized by FCRA.

(3) Consumer reporting agency contract matters including whether a waiver need be signed by applicants in employment cases will be handled on a case-by-case basis as such problems arise.

(4) In light of the preceding disclosure requirements, requests for consumer reports and investigative consumer reports should be made only in exceptional cases, and should never be made if there is any likelihood that the consumer's knowledge that the FBI has requested such information would be detrimental to an investigation.

EFFECTIVE: 01/31/78

23-2.7 Penalties

EFFECTIVE: 01/31/78

23-2.8 Section 1681n, o, q, and r. Civil and Criminal Liability for Willful or Negligent Noncompliance

(1) Negligent failure to comply with any requirement imposed by the FCRA renders the negligent consumer reporting agency or user of credit information liable to the consumer for actual damages suffered by the consumer as well as court costs and reasonable attorney's fees resulting from a successful action to enforce liability under the Act.

(2) Willful noncompliance of the FCRA may result in the awarding of punitive damages in addition to actual damages, court costs and attorney's fees.

(3) Any person who knowingly and willfully obtains credit information from a consumer reporting agency under false pretenses may be fined no more than \$5,000 or imprisoned for not more than one year

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or both.

(Refer to Part I, Section 62-5 of this manual for details relating to the Bureau's jurisdictional responsibilities under the criminal provisions of the Fair Credit Reporting Act.)

EFFECTIVE: 09/26/90

23-3 INVESTIGATIVE

EFFECTIVE: 09/26/90

23-3.1 Information Desired from Outside the Field Office
Territory

(1) Investigative information from another field office is to be obtained by that office unless extraordinary haste requires direct communication. When the exigencies of a case, emergencies, or economy and common sense dictate, an employee, if authorized by his/her SAC, may enter the territory of another field office. The concurrence of the SAC of the entered office is to be obtained prior to the travel.

(2) Information which should be obtained by direct communication even though the addressee is in another field office:

(a) For disposition of arrests, use FD-10 to obtain incomplete information (for New York City, send two copies of FD-10 to the New York Division of Criminal Justice Services, Executive Park Tower, Stuyvesant Plaza, Albany, New York 12203-3764, rather than the New York City Police Department). Make notation on identification record or other pertinent serial in file that FD-10 has been sent. When FD-10 is returned, note pertinent information from form in file; forward FD-10 to Criminal Justice Information Services (CJIS) Division in lieu of a disposition form (R-84), provided it shows the final disposition or shows that the disposition data is unavailable.

(b) Automobile registrations data

(c) Driver's license information

(d) Similar data

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- (e) Filing of detainers with some agency
- (f) Status of detainers
- (g) Government bonds - Use FD-123, concerning purchase or redemptions; specify information desired; send FD-123 in duplicate.

EFFECTIVE: 12/02/94

23-3.2 Prohibition Against Photographing Money, Securities and Checks

Title 18, USC, Section 474. Prohibits the photographing of any national bank currency, Federal Reserve notes, U.S. or foreign government securities or obligations, except by direction of some proper officer of the United States. However, Part 404, Chapter 4, Title 31, of the Code of Federal Regulations grants authority to all banks and banking institutions to make film records of paper money, U.S. Government securities and checks, and to project such records on a screen provided the film records are maintained as confidential. This part states that no prints, enlargements, and other reproductions of such film records may be made except with the permission of the Secretary of the Treasury, the Treasurer of the U.S., the Commissioner of Public Debt, the Director of the Secret Service, or such officers as may be designated by them.

EFFECTIVE: 09/26/90

23-3.3 Deleted

EFFECTIVE: 10/18/88

23-4 LEGAT OPERATIONS

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EFFECTIVE: 10/18/88

23-4.1 Definition of a Legal Attache (Legat)

A Legat is an FBI liaison representative stationed in an American Embassy abroad who is responsible for liaison with foreign police and intelligence agencies in matters of interest between these agencies and FBIHQ.

EFFECTIVE: 10/18/88

23-4.2 Jurisdiction of Legal Attaches

FBI Agents have no jurisdiction in foreign countries and Legats and border office Agents, even though invited or requested by foreign authorities to participate in and/or observe arrests and searches of subjects or transportation of prisoners may not do so.

EFFECTIVE: 10/18/88

23-4.3 Official Business in a Foreign Country

Where official business requires more than two days in a foreign country authority must be obtained from FBIHQ. The letter requesting authority is to be sent UACB and should contain an estimate of time to be spent.

EFFECTIVE: 10/18/88

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23-4.4 Interviews in Foreign Countries

Persons interviewed by FBI Agents while in police custody in a foreign country must be given the usual warning of rights under American Federal law provided there is no objection from the foreign police officer. If he/she objects, feeling our warning is not consistent with the law of his/her country and might work unfavorably on prosecution of the subject there, the officer should be requested to give the warning as required by the law of his/her country. Record the wording of this warning and the time and circumstances of its issuance.

EFFECTIVE: 10/18/88

23-4.5 Foreign Leads

Leads for all foreign countries should be submitted to FBIHQ for coverage through Legat or liaison with U.S. Department of State, Central Intelligence Agency and other established channels. Leads should be set out in LHM furnishing six copies of same to FBIHQ.

EFFECTIVE: 10/18/88

23-4.6 Countries/Areas Covered by Legats

Territorial allocation details are no longer maintained in the manuals. An up-to-date listing is available in the FOIMS Tables Application, "Territorial Allocation, Foreign Territorial Allocation" options.

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23-4.7 Canadian Border Leads

Normally, Canadian leads are handled through Legat Ottawa; however, offices along the Canadian border, through liaison with cooperative Canadian law enforcement agencies, handle Canadian leads in criminal matters where time is of the essence and in criminal matters of local interest, except in deserter and selective service matters. Leads on security matters where time is of the essence or where previously approved by FBIHQ are handled with RCMP by border offices on a divisional headquarters level.

EFFECTIVE: 03/23/92

23-4.8 Mexican Border Leads

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EFFECTIVE: 03/23/92

ALL INFORMATION CONTAINED
HERE IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

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Administrative 6-298
CLASSIFIED BY: SP5JC/DM
REASON: 1.5 (2d)
DECLASSIFY ON: X6

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23-4.9 Leads for the Northern and Central Caribbean Areas - Miami
and San Juan Divisions

Leads for the Northern and Central Caribbean areas are normally covered by the Liaison Officers at the Miami and San Juan Divisions. The Liaison Officer, Miami, has regional responsibilities in the Bahamas, Belize, Bermuda, Cayman Islands, Costa Rica, El Salvador, Guatemala, Honduras, Jamaica, Nicaragua, and the Turks and Caicos Islands. The Liaison Officer, San Juan Division, is responsible for maintaining liaison and the coverage of leads in the countries of Anguilla, Dominican Republic, Haiti, Montserrat, and St. Christopher (formerly St. Kitts-Nevis). At any time that leads are forwarded to the Liaison Officers at Miami and San Juan Divisions, a copy of the communication is to be designated for the Office of Liaison and International Affairs (OLIA), Attention: Foreign Liaison Unit.

EFFECTIVE: 03/23/92

23-5 DELETED

EFFECTIVE: 03/23/92

23-6 TITLE XI, RIGHT TO FINANCIAL PRIVACY ACT OF 1978 (RFPA)

EFFECTIVE: 03/08/79

23-6.1 Statute

The RFPA was passed as Public Law 95-630, effective 3/10/79 (T 12, USC, Section 3401, et seq).

EFFECTIVE: 03/08/79

23-6.2 Access to Financial Records

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EFFECTIVE: 03/08/79

23-6.2.1 Intent

An individual customer has the right to be notified in advance when the Federal Government is seeking his or her financial records from a financial institution in connection with a law enforcement inquiry and has the right to challenge that intended access. Exceptions to both customer notice and challenge provisions are available in special situations. For exceptions see 23-6.7.2, 23-6.9, and 23-6.10.

EFFECTIVE: 03/08/79

23-6.2.2 Methods Available to FBI (For further information see 23-6.6)

(1) RFPA of 1978

(a) Customer authorization or waiver

(b) Search warrant

(c) Judicial subpoena

(d) Formal written request to financial institution

(2) Federal Grand Jury Subpoena - access exempt from RFPA (but new use restrictions)

EFFECTIVE: 03/08/79

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23-6.2.3 Methods Not Available to FBI

(1) Administrative subpoenas and summons under RFP, except as provided in Title 12, USC, Sections 3402 and 3405. Sections 3402 and 3405 of Title 12, U.S. Code, permit government officials to obtain bank records if relevant to a legitimate law enforcement inquiry.

(2) Informal access - not authorized by RFP

EFFECTIVE: 06/03/97

23-6.3 Definitions

EFFECTIVE: 03/08/79

23-6.3.1 Financial Institution

This includes all banking and banking-type institutions as well as companies issuing credit cards, even though not a bank-type institution, and consumer finance companies located in the United States, District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

EFFECTIVE: 03/08/79

23-6.3.2 Financial Record

Any original, copy of or information "knowingly derived from" a record pertaining to present or past customer's relationship with a financial institution. Excluded are records or information not identifiable with an individual customer or those which reside in the account of a third party such as check endorsements or items deposited by third party and obtained from that person or corporation. There should be no conscious circumvention of RFP.

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EFFECTIVE: 03/08/79

23-6.6.1 Customer Authorization

Customers may authorize access to identified records up to 90 days by signing a revocable statement specifying the recipient, purpose for disclosure and that the customer is aware of his or her rights under RFPA. Certification of Compliance is required when the records are obtained. This would apply in applicant-type investigations or where financial records of a cooperative witness are being sought.

EFFECTIVE: 03/08/79

23-6.6.2 Search Warrants

A search warrant may be used under RFPA with notice to the customer of the search occurring within 90 days after execution. There is no change in the procedures to obtain a search warrant. Additional delays of up to 90 days may be granted by a court when it is shown that notice would seriously jeopardize a continuing investigation (see 23-6.7.2). The institution may be prohibited from notifying the customer by court order issued when the delay is authorized.

EFFECTIVE: 03/08/79

23-6.6.3 Formal Written Request

The FBI is authorized by T 28, CFR, Section 47.1, to use the written request provided for in RFPA. This is a new method of access and requires the cooperation of the financial institution. Required notice advises the customer his or her records are being sought and the nature of the inquiry which may include a statement to the effect that the customer is not the subject of the investigation. The customer has 10 days if notice is served and 14 days if notice is mailed to complete and file an affidavit detailing why the records are not relevant to a legitimate law enforcement inquiry. The customer must then serve a copy of the affidavit on the Government authority and be prepared to present in court additional facts. If the customer

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order. Other recourse such as Obstruction of Justice is available. Judicial subpoenas require the financial institution to commence compiling the records upon service.

EFFECTIVE: 03/08/79

23-6.5 Certification of Compliance

Before records may be obtained under any provision of the RFPFA, a supervisory official of the FBI must submit to the financial institution a certificate stating that all applicable provisions of the Act have been complied with. Good faith reliance by the employees and agents of the financial institution upon the Government certification of compliance absolves the institution of civil liability for any improper disclosure of records. This certification is not required when customer records are sought pursuant to a Federal Grand Jury subpoena. For the purpose of RFPFA, "supervisory official" is defined and limited to (other than FCI activities) any Headquarters or field division supervisor (including Supervisory Senior Resident Agent) or officially designated relief supervisor acting for the supervisor or any official of higher rank.

EFFECTIVE: 03/08/79

23-6.6 Methods of Access

For access in cases of emergency see 23-6.9. If account identification information is being sought the notice and challenge provisions and restrictions on interagency transfers do not apply when only identification information about a customer is needed, i.e., name, address, type of account and account number. This data must be obtained through a written request. In addition to account information only, more specific inquiries such as the account number associated with a particular transaction or class of transactions may be obtained. Once the existence and identification of a customer account is established, then one of the access methods listed below must be used to obtain any additional information. For dissemination of information see MAOP, Part II, 9-10, and MIOG, Part II, 23-6.11.

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EFFECTIVE: 03/08/79

23-6.3.3 Government Authority

RFPFA applies to all Federal agencies including FBI or any officer, employee or agent thereof.

EFFECTIVE: 03/08/79

23-6.3.4 Customers Covered

Any natural person or partnership of five or fewer individuals are covered. Not covered by RFPFA are corporations, associations, larger partnerships or other legal entities.

EFFECTIVE: 03/08/79

23-6.3.5 Law Enforcement Inquiry

Any lawful investigation or official proceeding inquiring into a violation of or failure to comply with any criminal or civil statute or a regulation, rule or order issued thereunder is considered as a law enforcement inquiry.

EFFECTIVE: 03/08/79

23-6.4 Responsibility of Financial Institutions

RFPFA prohibits financial institutions from providing financial records to the Government, unless access is authorized by one of the exceptions such as grand jury subpoenas or unless access is accomplished by one of four methods under procedures mandated. Notwithstanding these restrictions, financial institutions are permitted to notify Government authorities of possible violations of law reflected in their records. Financial institutions do not have to comply with formal written request or a customer authorization. In addition, there are no criminal penalties under RFPFA to prevent an institution from notifying its customer in the absence of a court

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does not comply with the above within prescribed time limits, the records may be made available. As a practical matter, a reasonable period (possibly four days) should be allowed prior to access where the customer files challenge by mail on the last day of the 10- or 14-day period. In effect, the 10- or 14-day period becomes a 14- to 18-day period to be cautious. A written request may be executed by any supervisory official, previously defined (see 23-6.5), of the FBI. Notice to the customer may be delayed for period of up to 90 days.

EFFECTIVE: 03/08/79

23-6.6.4 Judicial Subpoena

Judicial subpoenas are any court order to produce records, other than a grand jury subpoena, the most common of which is the trial subpoena directed at a party not involved in litigation. When used, a copy of the subpoena, together with mandatory customer notice, is served or mailed to the customer. The notice provisions for the judicial subpoena are the same as for the written request, above.

EFFECTIVE: 03/08/79

23-6.6.5 Grand Jury Subpoena | (See MIOG, Part II, 23-6.10.5.) |

Such subpoenas are not covered by RFPA | with | respect to access and notification. | However, the RFPA does place | restrictions on the handling and use of customer financial records obtained by a grand jury. | Access to such records, or information abstracted for reporting or lead purposes, must be limited to authorized persons, i.e., those assisting an attorney for the government in a specific criminal investigation; and, when records are not in use, they must be placed in a subfile which is locked in a container with a combination lock (see MIOG, Part II, 2-9.5 and 2-9.7). Grand jury-subpoenaed financial records should be appropriately marked as both grand jury material (see MIOG, Part II, 2-9.7(2)), and as subject to the RFPA (see MAOP, Part II, 9-10). Information extracted from financial records subject to the RFPA must be treated as grand jury material "unless such record has been used in the prosecution of a crime for which the grand jury issued an indictment or presentment . . ." (see MIOG, Part II, 2-9.5.1 (4) (a)). |

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EFFECTIVE: 07/12/95

23-6.7 Customer Notice

EFFECTIVE: 03/08/79

23-6.7.1 Contents of Notice

The purpose of the investigation must be stated but without reference to specific title and section of the U. S. Code. Generic terms may be used to describe the offense such as: fraud, bribery, extortion, etc., similar to the character of cases we now use. Notice must state the name and business address of the supervisory official to be served with copies of customer challenge papers. The supervisory official is he or she who initiated the access process.

EFFECTIVE: 03/08/79

23-6.7.2 Delay of Notice

(1) Delays of customer notice may be obtained for access sought through judicial subpoenas, formal written request, search warrants and subsequent interagency transfer. Delays of up to 90 days (or 180 days in case of a search warrant) may be applied for to a court where there is a reason to believe (lesser standard than probable cause) that notice would cause danger to life or physical safety, flight from prosecution, destruction of evidence, intimidation of a witness, or other serious jeopardy to an investigation or a trial.

(2) To obtain a delay of notice, a sworn written statement must be presented to a judge or magistrate that one or more of above situations exist. Extensions of the delay of notice may be similarly obtained based on necessity.

(3) In addition to delaying the timing of the Government notification to the customer, the court order issued will prohibit the

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financial institution from disclosing to the customer that records pertaining to that customer are being sought. There is no such provision in the RFPA with respect to access through grand jury subpoenas to prohibit the financial institution from notifying the customer.

EFFECTIVE: 03/08/79

23-6.8 Customer Challenges

(1) A customer may challenge a judicial subpoena or a formal written request in instances where notice was not delayed. Grand jury subpoenas, being generally excepted by RFPA and having no notice provisions, are not challengeable at the time of access. Within 10 or 14 days (more practically, 14 or 18 days, see 23-6.6.3), depending on the method of notice (served or mailed), the customer may file in U.S. District Court a motion to quash a judicial subpoena or an application to enjoin the Government from pursuing a formal written request. In support of the motion or application, the customer must file a sworn statement that he or she:

and, (a) is the person whose records are being sought

(b) has reason to believe the records sought are not relevant to the inquiry, or

(c) That the RFPA has not been substantially complied with, or

(d) any other legal reason for denying access.

(2) The challenge does not shift the burden of proof to the customer, but does require more than only an allegation. The Government must then convince the judge or magistrate the records sought are relevant to a legitimate law enforcement inquiry. Relevance covers anything that might be used as evidence or that might logically lead to evidence. The Government may have to file a response, in camera if appropriate, and the court may require additional proceedings but all within seven days from the filing of the Government's response. Denial of customer challenge motions or applications are not appealable until after the trial or other proceeding.

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(3) If the Government fails to justify its attempted access, the subpoena is quashed or the formal written request enjoined. If the Government does support its burden, the subpoena will be enforced and the formal written request may be pursued with the financial institution. The financial institution is not compelled to comply with the formal written request.

(4) If, after access following an unsuccessful challenge, no prosecution or other proceeding is to be brought against the customer (always the case when customer is witness and not subject), customer must be so notified by the requesting Government agency. Close coordination between the field office and the U.S. Attorney's Office will be required.

(5) Any applicable statute of limitations is suspended during the time the customer's motion or application is pending in court.

(6) In the case of judicial subpoenas, venue for the customer challenge is restricted to the court issuing the subpoena. When a formal written request is used, the customer may challenge in any one of three districts:

- (a) the District of Columbia,
- (b) the site of the financial institution
- (c) the site of the residence of the customer.

EFFECTIVE: 03/08/79

23-6.9 Emergency Access

(1) In instances where notice and challenge delays could create imminent danger of physical injury, serious property damage or flight from prosecution, access may be had immediately by merely presenting the financial institution with the certificate of compliance. However, post notice to customer is required as soon as possible.

(2) Within five days after access, a supervisory official must file in court a signed sworn statement setting forth the grounds for the emergency access.

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EFFECTIVE: 03/08/79

23-6.10 Exceptions to RFPA

EFFECTIVE: 03/08/79

23-6.10.1 Financial Institutions

The RFPA does not require customer notice when the institution in possession of such records is the subject of the investigation. However, the certificate of compliance is necessary. Customer records obtained under this exception may only be used or transferred in furtherance of that specific investigation. If evidence of another violation is developed, enough information (not records) may be given the appropriate agency, including FBI, to identify the record and violation. Thereafter, the receiving agency may proceed as if independent of the initial inquiry.

EFFECTIVE: 03/08/79

23-6.10.2 Corporations or Other Legal Entities

Investigations directed at corporations or other legal entities not protected by RFPA may be conducted in same fashion as 23-6.10.1 above.

EFFECTIVE: 03/08/79

23-6.10.3 Not Identifiable with Customer

Records can be disclosed by a financial institution if they or the information contained therein are not identified with or identifiable as being derived from the records of a particular customer.

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EFFECTIVE: 03/08/79

23-6.10.4 Parties in Interest

The RFPA does not apply when the Government and the customer are litigants in a judicial or an administrative adjudicatory proceeding.

EFFECTIVE: 03/08/79

23-6.10.5 Federal Grand Jury

The RFPA does not affect the obtaining of customer financial records (see 23-6.6.5). No compliance certificate is required.

EFFECTIVE: 03/08/79

23-6.10.6 Foreign Counterintelligence

See "Foreign Counterintelligence Manual" for instructions.

EFFECTIVE: 03/08/79

23-6.10.7 Telephone Company Toll Records

These records are not covered by the provisions of RFPA.

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23-6.10.8 Other

Other exemptions specifically excluded are:

(1) Certain designated supervisory agencies of financial institutions.

(2) Internal Revenue Service.

(3) General Accounting Office.

(4) Certain reports required of financial institutions.

(5) Identifying account information only (see 23-6.6).

(6) The administration of guaranty or loan insurance programs. Notification of potential violation indicated in the customer financial record may be given the appropriate investigative agency on the same basis as 23-6.10.1.

EFFECTIVE: 03/08/79

23-6.11 Dissemination of Information (Refer to MAOP, Part II, 9-10.)

EFFECTIVE: 03/08/79

23-6.11.1 To Department of Justice

Transfers between and among the components of the Department are not restricted by RFPA except that customer record obtained in an investigation targeted at the financial institution where there is no notice or challenge opportunity may not be used for a separate inquiry. Enough information about the separate inquiry may be given to another component in order that access may be sought independently.

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23-6.11.2 To Other Departments

Financial records obtained on or after 3/10/79 under RFPAA may be transferred to another agency only if the transferring agency certifies in writing to the file that there is reason to believe the records are relevant to a legitimate law enforcement inquiry of the receiving agency. This may require a statement from the receiving agency. Post notice to the customer within 14 days of the transfer is required unless a delay of notice is obtained as discussed above (23-6.7.2).

EFFECTIVE: 03/08/79

23-6.12 Penalties

EFFECTIVE: 08/28/91

23-6.12.1 Civil

Any Federal agency or financial institution is liable to the customer for violation of RFPAA as follows:

- involved,
- (1) \$100.00 without regard to the volume of records
 - (2) actual damage,
 - (3) punitive damages, and
 - (4) court costs and reasonable attorney's fees.

EFFECTIVE: 08/28/91

23-6.12.2 Disciplinary Action

If a court determines that a violation may have been willful or intentional, Office of Personnel Management (formerly Civil Service Commission) must determine if the Government employee is primarily responsible and subject to disciplinary action.

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