FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT: MANUAL OF INVESTIGATIVE OPERATIONS AND GUIDELINES (MIOG)

Volume: 1 PART 1

FEDERAL BUREAU OF INVESTIGATION

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PART I

Manual of Investigative Operations and Guidelines

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Part I

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SECTION 1. INVESTIGATIVE AUTHORITY AND RESPONSIBILITY

1-1 AUTHORITY OF A SPECIAL AGENT

(1) Investigate violations of the laws, including the criminal drug laws, of the United States (Title 21, USC, Section 871; Title 28, USC, Sections 533, 534, and 535; Title 28, CFR, Section 0.85).

(2) Collect evidence in cases in which the United States is or may be a party in interest (28, CFR, Section 0.85 (a) as redelegated through exercise of the authority contained in 28, CFR, Section 0.137 to direct personnel in the FBI).

(3) Make arrests (Title 18, USC, Section 3052).

(4) Serve warrants and subpoenas and civil investigative demands (Title 18, USC, Section 3052; Title 15, USC, Section 1312; and Title 21, USC, Section 876).

(5) Carry firearms (Title 18, USC, Section 3052) when engaged upon official matters and for self-defense.

(6) Administer oaths to witnesses attending to testify or depose in the course of investigations of frauds on or attempts to defraud the United States or irregularities or misconduct of employees or agents of the United States (Title 5, USC, Section 303).

(7) Seize property subject to seizure under the criminal drug laws of the United States (Title 21, USC, Section 881; Title 21, CFR, Section 1316.72).

(8) Perform other duties imposed by law.

EFFECTIVE: 10/10/83

1-2 INVESTIGATIVE RESPONSIBILITY

(1) The FBI is charged with the duty of investigating violations of the laws of the United States and collecting evidence in cases in which the United States is or may be a party in interest, except in cases in which such responsibility is by statute or otherwise specifically assigned to another investigative agency. (Title 28, CFR, Section 0.85 (a))

(2) In addition to the FBI discharging those responsibilities with which it is charged by statutes, the FBI expeditiously carries out directives of the President and the Attorney General.

(3) Our investigative jurisdiction in criminal cases is based on specific violations of Federal laws. Investigations are conducted when information is received indicating a violation of Federal law, over which we have been given investigative jurisdiction, has or may have occurred. The function of a Special Agent of the FBI is to conduct thorough investigations of cases in a legal and ethical manner and to carry each of those cases through to a logical conclusion. Results of investigations are furnished to United States Attorneys and/or the Department of Justice.

(4) Requests for FBI investigations in selected civil matters in which the United States is or may be a party in interest may be received from the United States Attorneys and/or the Department of Justice. These are handled in strict conformity with guidelines furnished by the Department of Justice, as are also investigations of violations of the civil rights, antiriot, election laws, and antitrust laws.

(5) Under no circumstances may a Special Agent of the FBI acting within the scope of his/her employment seek to obtain the commitment of any individual for psychiatric evaluation or otherwise become involved in commitment proceedings. Special Agents subpoenaed to give testimony at commitment proceedings must first comply with the provisions of Part II, Section 6 of this manual. Questions should be referred to Office of the General Counsel, FBIHQ.

EFFECTIVE: 09/09/94

1-3 THE ATTORNEY GENERAL'S GUIDELINES ON GENERAL CRIMES, RACKETEERING ENTERPRISE AND DOMESTIC SECURITY/TERRORISM INVESTIGATIONS |(See MIOG, Part I, Section 92, 100-1.1, 137-13, and 266-1.)|

"As the primary criminal investigative agency in the federal government, the FBI has the authority and responsibility to investigate all criminal violations of federal law not exclusively assigned to another federal agency. The FBI thus plays a central role in national law enforcement and in the proper administration of justice in the United States.

"Investigations by the FBI are premised upon the important duty of government to protect the public against general crimes, against organized criminal activity and against those who would engage in political or racial terrorism or would destroy our constitutional system through criminal violence. At the same time, that duty must be performed with care to protect individual rights and to insure that investigations are confined to matters of legitimate law enforcement interest. The purpose of these Guidelines, therefore, is to establish a consistent policy in such matters. The Guidelines should encourage Agents of the FBI to perform their duties with greater certainty, confidence and effectiveness. They should also give the public a firm assurance that the FBI is acting properly under the law.

"These Guidelines provide guidance for all investigations by the FBI of crimes and crime-related activities. Investigations involving foreign intelligence, foreign counterintelligence and international terrorism matters are the subject of separate guidelines. The standards and requirements set forth herein govern the circumstances under which an investigation may be begun, and the permissible scope, duration, subject-matters, and objectives of an investigation.

"All investigations of crime or crime-related activities shall be undertaken in accordance with one or more of these Guidelines. Part I sets forth general principles that apply to all investigations conducted under these Guidelines. Part II governs investigations undertaken to detect, prevent and prosecute specific violations of federal law. Part III A governs criminal intelligence investigations undertaken to obtain information concerning enterprises which are engaged in racketeering activities involving violence, extortion, narcotics or public corruption. Part III B governs criminal intelligence investigations undertaken to obtain information concerning enterprises which seek to achieve political or social change through violence.

"These Guidelines are issued under the authority of the Attorney General, as provided in 28, U.S.C., 509, 510, and 533.

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"Preliminary inquiries and investigations governed by these Guidelines are conducted for the purpose of preventing, detecting, or prosecuting violations of federal law. They shall be conducted with as little intrusion into the privacy of individuals as the needs of the situation permit.

"All preliminary inquiries shall be conducted pursuant to the General Crimes Guidelines. There is no separate provision for a preliminary inquiry under the Criminal Intelligence Guidelines. A preliminary inquiry shall be promptly terminated when it becomes apparent that a full investigation is not warranted. If, on the basis of information discovered in the course of a preliminary inquiry, an investigation is warranted, it may be conducted as a general crimes investigation, or a criminal intelligence investigation, or both. All such investigations, however, shall be based on a reasonable factual predicate and shall have a valid law enforcement purpose.

"In its efforts to anticipate or prevent crime, the FBI must at times initiate investigations in advance of criminal conduct. It is important that such investigations not be based solely on activities protected by the First Amendment or on the lawful exercise of any other rights secured by the Constitution or laws of the United States. When, however, statements advocate criminal activity or indicate an apparent intent to engage in crime, particularly crimes of violence, an investigation under these Guidelines may be warranted unless it is apparent, from the circumstances or the context in which the statements are made, that there is no prospect of harm.

"General crimes investigations and criminal intelligence investigations shall be terminated when all logical leads have been exhausted and no legitimate law enforcement interest justifies their continuance.

"Nothing in these Guidelines is intended to prohibit the FBI from collecting and maintaining publicly available information consistent with the Privacy Act.

"Nothing in these Guidelines prohibits the FBI from ascertaining the general scope and nature of criminal activity in a particular location or sector of the economy.

"II. General Crimes Investigations

"A. Definitions

"(1) 'Exigent circumstances' are circumstances requiring action before authorization otherwise necessary under these guidelines can reasonably be obtained, in order to protect life or substantial property interests; to apprehend or identify a fleeing offender; to prevent the hiding, destruction or alteration of evidence; or to avoid other serious impairment or hindrance of an

investigation.

"(2) 'Sensitive criminal matter' is any alleged criminal conduct involving corrupt action by a public official or political candidate, the activities of a foreign government, the activities of a religious organization or a primarily political organization or the related activities of any individual prominent in such an organization, or the activities of the news media; and any other matter which in the judgment of a Special Agent in Charge (SAC) should be brought to the attention of the United State Attorney or other appropriate official in the Department of Justice, as well as FBI Headquarters (FBIHQ).

"B. Preliminary Inquiries

"(1) On some occasions the FBI may receive information or an allegation not warranting a full investigation -- because there is not yet a 'reasonable indication' of criminal activities -- but whose responsible handling requires some further scrutiny beyond the prompt and extremely limited checking out of initial leads. In such circumstances, though the factual predicate for an investigation has not been met, the FBI may initiate an 'inquiry' involving some measured review, contact, or observation activities in response to the allegation or information indicating the possibility of criminal activity.

"This authority to conduct inquiries short of a full investigation allows the government to respond in a measured way to ambiguous or incomplete information and to do so with as little intrusion as the needs of the situation permit. This is especially important in such areas as white-collar crime where no complainant is involved or when an allegation or information is received from a source of unknown reliability. It is contemplated that such inquiries would be of short duration and be confined solely to obtaining the information necessary to make an informed judgment as to whether a full investigation is warranted.

"A preliminary inquiry is not a required step when facts or circumstances reasonably indicating criminal activity are already available; in such cases, a full investigation can be immediately opened.

"(2) The FBI supervisor authorizing an inquiry shall assure that the allegation or other information which warranted the inquiry has been recorded in writing. In sensitive criminal matters the United States Attorney or an appropriate Department of Justice

official shall be notified of the basis for an inquiry as soon as practicable after the opening of the inquiry, and the fact of notification shall be recorded in writing.

"(3) Inquiries shall be completed within 90 days after initiation of the first investigative step. The date of the first investigative step is not necessarily the same date on which the first incoming information or allegation was received. An extension of time in an inquiry for succeeding 30-day periods may be granted by FBI Headquarters upon receipt of a written request and statement of reasons why further investigative steps are warranted when there is no 'reasonable indication' of criminal activity.

"(4) Before employing an investigative technique in an inquiry, the FBI should consider whether the information could be obtained in a timely and effective way by less intrusive means. Some of the factors to be considered in judging intrusiveness are adverse consequences to an individual's privacy interests and avoidable damage to his reputation. Whether an intrusive technique should be used in an inquiry depends on the seriousness of the possible crime and the strength of the information indicating the possible existence of the crime. However, the techniques used in an inquiry should generally be less intrusive than those employed in a full investigation. It is recognized that choice of technique is a matter of judgment.

"(5) The following investigative techniques shall not be used during an inquiry:

"(a) Mail covers;

"(b) Mail openings;

"(c) Nonconsensual electronic surveillance or any other investigative technique covered by Title 18, U.S.C., 2510-2521.

"(6) The following investigative techniques may be used in an inquiry without any prior authorization from a supervisory agent:

"(a) Examination of FBI indices and files;

"(b) Examination of records available to the public and other public sources of information;

"(c) Examination of available federal, state and local government records;

"(d) Interview of the complainant, previously established informants, and confidential sources;

"(e) Interview of the potential subject;

"(f) Interview of persons who should readily be able to corroborate or deny the truth of the allegation, except this does not include pretext interviews or interviews of a potential subject's employer or co-workers unless the interviewee was the complainant;

"(g) Physical or photographic surveillance of any person.

"The use of any other lawful investigative technique that is permitted in an inquiry shall meet the requirements and limitations of Part IV and, except in exigent circumstances, require prior approval by a supervisory agent. Where a technique is highly intrusive, a supervisory agent shall approve its use in the inquiry stage only in compelling circumstances and when other investigative means are not likely to be successful.

"(7) Where a preliminary inquiry fails to disclose sufficient information to justify an investigation, the FBI shall terminate the inquiry and make a record of the closing. In a sensitive criminal matter, the FBI shall notify the United States Attorney of the closing and record the fact of notification in writing. Information on an inquiry which has been closed shall be available on request to a United States Attorney or his designee or an appropriate Department of Justice official.

"(8) All requirements regarding inquiries shall apply to reopened inquiries. In sensitive criminal matters, the United States Attorney or the appropriate Department of Justice official shall be notified as soon as practicable after the reopening of an inquiry.

"C. Investigations

"(1) A general crimes investigation may be initiated by the FBI when facts or circumstances reasonably indicate that a federal crime has been, is being, or will be committed. The investigation may be conducted to prevent, solve and prosecute such criminal activity.

"The standard of 'reasonable indication' is

substantially lower than probable cause. In determining whether there is reasonable indication of a federal criminal violation, a Special Agent may take into account any facts or circumstances that a prudent investigator would consider. However, the standard does require specific facts or circumstances indicating a past, current or impending violation. There must be an objective, factual basis for initiating the investigation; a mere hunch is insufficient.

"(2) Where a criminal act may be committed in the future, preparation for that act can, of course, amount to a current criminal violation under the conspiracy or attempt provisions of federal criminal law, if there are present the requisite agreement and overt act, or substantial step toward completion of the criminal act and intention to complete the act. With respect to criminal activity that may occur in the future but does not yet involve a current criminal conspiracy or attempt, particular care is necessary to assure that there exist facts and circumstances amounting to a reasonable indication that a crime will occur.

"(3) The FBI supervisor authorizing an investigation shall assure that the facts or circumstances meeting the standard of reasonable indication have been recorded in writing.

"In sensitive criminal matters, as defined in paragraph A(2), the United States Attorney or an appropriate Department of Justice official and FBIHQ shall be notified in writing of the basis for an investigation as soon as practicable after commencement of the investigation.

"(4) The Special Agent conducting an investigation shall maintain periodic written or oral contact with the appropriate federal prosecutor, as circumstances require and as requested by the prosecutor.

"When, during an investigation, a matter appears to arguably warrant prosecution, the Special Agent shall present the relevant facts to the appropriate federal prosecutor. In every sensitive criminal matter, the FBI shall notify the appropriate federal prosecutor of the termination of an investigation within 30 days of such termination. Information on investigations which have been closed shall be available on request to a United States Attorney or his designee or an appropriate Department of Justice official.

"(5) When a serious matter investigated by the FBI is referred to state or local authorities for prosecution, the FBI, insofar as resources permit, shall promptly advise the federal

prosecutor in writing if the state or local authorities decline prosecution or fail to commence prosecutive action within 120 days. Where an FBI field office cannot provide this follow-up, the SAC shall so advise the federal prosecutor.

"(6) When credible information is received concerning serious criminal activity not within the FBI investigative jurisdiction, the FBI field office shall promptly transmit the information or refer the complainant to the law enforcement agencies having jurisdiction, except where disclosure would jeopardize an ongoing investigation, endanger the safety of an individual, disclose the identity of an informant, interfere with an informant's cooperation, or reveal legally privileged information. If full disclosure is not made for the reasons indicated, then whenever feasible the FBI field office shall make at least limited disclosure to the law enforcement agency having jurisdiction, and full disclosure shall be made as soon as the need for restricting dissemination is no longer present. Where full disclosure is not made to the appropriate law enforcement agencies within 180 days, the FBI field office shall promptly notify FBI Headquarters in writing of the facts and circumstances concerning the criminal activity. The FBI shall make a periodic report to the Deputy Attorney General on such nondisclosure and incomplete disclosures, in a form suitable to protect the identity of informants and confidential sources.

"Whenever information is received concerning unauthorized criminal activity by an informant or confidential source, it shall be handled in accord with paragraph G of the Attorney General's Guidelines on Use of Informants and Confidential Sources.

"(7) All requirements regarding investigations shall apply to reopened investigations. In sensitive criminal matters, the United States Attorney or the appropriate Department of Justice official shall be notified in writing as soon as practicable after the reopening of an investigation.

"III. Criminal Intelligence Investigations

"This section authorizes the FBI to conduct criminal intelligence investigations of certain enterprises who seek either to obtain monetary or commercial gains or profits through racketeering activities or to further political or social goals through activities that involve criminal violence. These investigations differ from general crimes investigations, authorized by Section II, in several important respects. As a general rule, an investigation of a completed criminal act is normally confined to determining who

committed that act and with securing evidence to establish the elements of the particular offense. It is, in this respect, self-defining. An intelligence investigation of an ongoing criminal enterprise must determine the size and composition of the group involved, its geographic dimensions, its past acts and intended criminal goals, and its capacity for harm. While a standard criminal investigation terminates with the decision to prosecute or not to prosecute, the investigation of a criminal enterprise does not necessarily end, even though one or more of the participants may have been prosecuted.

"In addition, the organization provides a life and continuity of operation that are not normally found in a regular criminal activity. As a consequence, these investigations may continue for several years. Furthermore, as Justice Powell noted, the focus of such investigations 'May be less precise than that directed against more conventional types of crime.' United States v. United States District Court, 407 U.S. 297, 322 (1972). Unlike the usual criminal case, there may be no completed offense to provide a framework for the investigation. It often requires the fitting together of bits and pieces of information many meaningless by themselves to determine whether a pattern of criminal activity exists. For this reason, the investigation is broader and less discriminate than usual, involving 'the interrelation of various sources and types of information.' Id.

"Members of groups or organizations acting in concert to violate the law present a grave threat to society. An investigation of organizational activity, however, may present special problems, particularly where it deals with politically motivated acts. 'There is often a convergence of First and Fourth Amendment values,' in such matters that is 'not found in cases of 'ordinary' crime.' Id. Thus, special care must be exercised in sorting out protected activities from those which may lead to violence or serious disruption of society. As a consequence, the guidelines establish safeguards for group investigations of special sensitivity, including tighter management controls and higher levels of review.

"A. Racketeering Enterprise Investigations |(See MIOG, Part I, 92-8, 194-3.7.)|

"This section focuses on investigations of organized crime. It is concerned with investigation of entire enterprises, rather than individual participants in specific criminal acts, and authorizes investigations to determine the structure and scope of the enterprise, as well as the relationship of the members. Except as

specified below, this authority may be exercised only when the activity engaged in by the racketeering enterprise involves violence, extortion, narcotics, or systematic public corruption.

"1. Definitions

Racketeering activity is any offense, including the violation of state law, encompassed by the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. Section 1961(1).

"2. General Authority

"a. The FBI has authority to conduct investigations of racketeering enterprises whose activities involve violence, extortion, narcotics, or systematic public corruption. A racketeering enterprise not engaged in such activities may be investigated under this authority only upon a written determination by the Director, concurred in by the Attorney General, that such investigation is justified by exceptional circumstances.

"b. A racketeering enterprise investigation may be initiated when facts or circumstances reasonably indicate that two or more persons are engaged in a continuing course of conduct for the purpose of obtaining monetary or commercial gains or profits wholly or in part through racketeering activity. The standard of 'reasonable indication' is identical to that governing the initiation of a general crimes investigation under Part II.

"c. Authority to conduct racketeering enterprise investigations is separate from and in addition to general crimes investigative authority under Part II and domestic security/terrorism investigations under Part III. Information warranting initiation of a racketeering enterprise investigation may be obtained during the course of a general crimes inquiry or investigation. Conversely, a racketeering enterprise investigation may yield information warranting a general crimes inquiry or investigation or a domestic security/terrorism investigation.

"3. Purpose

The immediate purpose of a racketeering enterprise investigation is to obtain information concerning the nature and structure of the enterprise, as specifically delineated in paragraph II D below, with a view to the longer range objective of detection, prevention, and prosecution of the criminal activities of the enterprise." (NOTE: IID reference is error; see instead 4.

Scope, below.)

"4. Scope

"a. A racketeering enterprise investigation properly initiated under these guidelines may collect such information as:

"(i) The members of the enterprise and other persons likely to be knowingly acting in the furtherance of racketeering activity, provided that the information concerns such persons' activities on behalf of or in furtherance of the enterprise;

"(ii) the finances of the enterprise;

"(iii) the geographical dimensions of the enterprise; and

"(iv) the past and future activities and goals of the enterprise.

"b. In obtaining the foregoing information, any lawful investigative technique may be used, in accordance with the requirements of Part IV.

"5. Authorization and Renewal

"a. A racketeering enterprise investigation may be authorized by the Director or designated Assistant Director upon a written recommendation setting forth the facts and circumstances reasonably indicating the existence of a racketeering enterprise whose activities involve violence, extortion, narcotics, or systematic public corruption. In such cases, the FBI shall notify the Attorney General or his designee of the opening of the investigation. An investigation of a racketeering enterprise not involved in these activities may be authorized only by the Director upon his written determination, concurred in by the Attorney General, that such investigation is warranted by exceptional circumstances. In all investigations, the Attorney General may, as he deems necessary, request the FBI to provide a report on the status of the investigation.

"b. A racketeering enterprise investigation may be initially authorized for a period of up to 180 days. An investigation may be continued upon renewed authorization for additional periods each not to exceed 180 days. Renewal authorization

shall be obtained from the Director or designated Assistant Director. The concurrence of the Attorney General must also be obtained if his concurrence was initially required to authorize the investigation.

"c. Investigations shall be reviewed by the Director or designated senior Headquarters official on or before the expiration of the period for which the investigation and each renewal thereof is authorized.

"d. An investigation which has been terminated may be reopened upon a showing of the same standard and pursuant to the same procedures as required for initiation of an investigation.

"B. Domestic Security/Terrorism Investigations |(See MIOG, Part I, 100-1.2.)|

"This section focuses on investigations of enterprises, other than those involved in international terrorism, whose goals are to achieve political or social change through activities that involve force or violence. Like racketeering enterprise investigations, it is concerned with the investigation of entire enterprises, rather than individual participants and specific criminal acts, and authorizes investigations to determine the structure and scope of the enterprise as well as the relationship of the members.

"1. General Authority |(See MIOG, Part I, 100-1.2.2.)|

"a. A domestic security/terrorism investigation may be initiated when the facts or circumstances reasonably indicate that two or more persons are engaged in an enterprise for the purpose of furthering political or social goals wholly or in part through activities that involve force or violence and a violation of the criminal laws of the United States. The standard of 'reasonable indication' is identical to that governing the initiation of a general crimes investigation under Part II. In determining whether an investigation should be conducted, the FBI shall consider all of the circumstances including: (1) the magnitude of the threatened harm; (2) the likelihood it will occur; (3) the immediacy of the threat; and (4) the danger to privacy and free expression posed by an investigation.

"b. Authority to conduct domestic security/terrorism investigations is separate from and in addition to

general crimes investigative authority under Part II, racketeering enterprise investigations under Part III A and international terrorism investigations under the Attorney General's Guidelines for Foreign Intelligence Collection and Foreign Counterintelligence Investigations. Information warranting initiation of an investigation under this section may be obtained through the course of a general crimes inquiry or investigation, a racketeering enterprise investigation, or an investigation of international terrorism. Conversely, a domestic security/terrorism investigation may yield information warranting a general crimes inquiry or investigation, a racketeering enterprise investigation, or an investigation of international terrorism.

"c. In the absence of any information indicating planned violence by a group or enterprise, mere speculation that force or violence might occur during the course of an otherwise peaceable demonstration is not sufficient grounds for initiation of an investigation under this section. For alternative authorities see Part II relating to General Crimes Investigations and the Attorney General's Guidelines on 'Reporting on Civil Disorders and Demonstrations Involving a Federal Interest.' This does not preclude the collection of information about public demonstrations by enterprises that are under active investigation pursuant to paragraph B 1(a) above.

"2. Purpose |(See MIOG, Part I, 100-2.1.)|

"The immediate purpose of a domestic security/terrorism investigation is to obtain information concerning the nature and structure of the enterprise, as specifically delineated in paragraph (3) below, with a view to the longer range objectives of detection, prevention, and prosecution of the criminal activities of the enterprise.

"3. Scope |(See MIOG, Part I, 100-2.2.)|

"a. A domestic security/terrorism investigation initiated under these guidelines may collect such information as:

"(i) the members of the enterprise and other persons likely to be knowingly acting in furtherance of its criminal objectives, provided that the information concerns such persons' activities on behalf or in furtherance of the enterprise;

"(ii) the finances of the enterprise;

"(iii) the geographical dimensions of the enterprise; and

"(iv) past and future activities and goals of the enterprise.

"b. In obtaining the foregoing information, any lawful investigative technique may be used in accordance with requirements of Part IV.

"4. Authorization and Renewal |(See MIOG, Part I, 100-2.3.)|

"a. A domestic security/terrorism investigation may be authorized by the Director or designated Assistant Director upon a written recommendation setting forth the facts or circumstances reasonably indicating the existence of an enterprise, as described in this subsection. In such cases, the FBI shall notify the |Terrorism and Violent Crimes Section, Criminal Division, Department of Justice,| of the opening of the investigation. In all investigations the Attorney General may, as he deems necessary, request the FBI to provide a report on the status of the investigation.

"b. A domestic security/terrorism investigation may be initially authorized for a period of up to 180 days. An investigation may be continued upon renewed authorization for additional periods each not to exceed 180 days. Renewal authorization shall be obtained from the Director or designated Assistant Director.

"c. Investigations shall be reviewed by the Director or designated Senior Headquarters official on or before the expiration period for which the investigation and each renewal thereof is authorized.

"d. Each investigation should be reviewed at least annually to insure that the threshold standard is satisfied and that continued allocation of investigative resources is warranted. In some cases, the enterprise may meet the threshold standard, but be temporarily inactive in the sense that it has not engaged in recent acts of violence, nor is there any immediate threat of harm -- yet the composition, goals and prior history of the group suggests the need for continuing federal interest. Under those circumstances, the investigation may be continued, but reasonable efforts should be made to limit the coverage to information which might indicate a change in the status or criminal objectives of the enterprise.

"e. An investigation which has been terminated may be reopened upon a showing of the same standard and pursuant to the same procedures as required for initiation of an investigation.

"f. The FBI shall report the progress of a domestic security/terrorism investigation to the|Terrorism and Violent Crimes Section|not later than 180 days after the initiation thereof, and the results at the end of each year the investigation continues. The|Terrorism and Violent Crimes Section|shall review the results of each investigation at least annually.

"IV. Investigative Techniques |(See MIOG, Part I, 100-2.2.)|

"A. When conducting investigations under these guidelines the FBI may use any lawful investigative technique. Before employing a technique, the FBI should consider whether the information could be obtained in a timely and effective way by less intrusive means. Some of the factors to be considered in judging intrusiveness are adverse consequences to an individual's privacy interests and avoidable damage to his reputation. Whether a highly intrusive technique should be used depends on the seriousness of the crime and the strength of the information indicating the existence of the crime. It is recognized that choice of technique is a matter of judgment.

"B. All requirements for use of a technique set by statute, Department regulations and policies, and Attorney General Guidelines must be complied with. The investigative techniques listed below are subject to the noted restrictions:

"1. Informants and confidential sources must be used in compliance with the Attorney General's Guidelines on the Use of Informants and Confidential Sources;

"2. Undercover operations must be conducted in compliance with the Attorney General's Guidelines on FBI Undercover Operations;

"3. Undisclosed participation in the activities of an organization by an undercover employee or cooperating private individual in a manner that may influence the exercise of rights protected by the First Amendment must be approved by FBIHQ, with notification to Department of Justice;

"4. Nonconsensual electronic surveillance must be conducted pursuant to the warrant procedures and requirements of Title

18 U.S.C. 2510-2521;

"5. Pen registers and trap and trace devices must be installed and used pursuant to the procedures and requirements of Title 18 U.S.C. 3121-3127;

"6. Access to stored wire and electronic communications and transactional records must be obtained pursuant to the procedures and requirements of Title 18 U.S.C. 2701-2710;

"7. Consensual electronic monitoring must be authorized pursuant to Department policy. For consensual monitoring of conversations other than telephone conversations, advance authorization must be obtained in accordance with established guidelines. This applies both to devices carried by the cooperating participant and to devices installed on premises under the control of the participant. See USAM 9-7.013. For consensual monitoring of telephone conversations, advance authorization must be obtained from the SAC and the appropriate United States Attorney, except in exigent circumstances;

"8. Searches and seizures must be conducted under the authority of a valid warrant unless the search or seizure comes within a judicially recognized exception to the warrant requirement. See also, Attorney General's Guidelines on Methods of Obtaining Documentary Materials Held by Third Parties; |(See MIOG, Part II, Section 28.)|

"9. Whenever an individual is known to be represented by counsel in a particular matter, the FBI shall follow applicable law and Department procedure concerning contact with represented individuals in the absence of prior notice to their counsel. The SAC or his designee and the United States Attorney shall consult periodically on applicable law and Department procedure.

"V. Dissemination of Information

"The FBI may disseminate information during investigations conducted pursuant to these guidelines to another Federal agency, or to a State or local criminal justice agency when such information:

"A. falls within the investigative or protective jurisdiction or litigative responsibility of the agency;

"B. may assist in preventing a crime or the use of violence or any other conduct dangerous to human life;

"C. is required to be furnished to another Federal agency by Executive Order 10450, as amended, dated April 27, 1953, or a successor Order;

"D. is required to be disseminated by statute, interagency agreement approved by the Attorney General, or Presidential Directive; and to other persons and agencies as permitted by Sections 552 and 552a of Title V, U.S.C.

"VI. Cooperation with Secret Service

"The FBI is authorized to provide investigative assistance in support of the protective responsibilities of the Secret Service, provided that all preliminary inquiries or investigations are conducted in accordance with the provisions of these guidelines.

"VII. Reservation

"A. Nothing in these guidelines shall limit the general reviews or audits of papers, files, contracts or other records in the government's possession, or the performance of similar services at the specific request of a Department or agency of the United States. Such reviews, audits or similar services must be for the purpose of detecting or preventing violations of federal law which are within the investigative responsibility of the FBI.

"B. Nothing in these guidelines is intended to limit the FBI's responsibilities to investigate certain applicants and employees under the federal personnel security program.

"C. These guidelines are set forth solely for the purpose of internal Department of Justice guidance. They are not intended to, do not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any manner, civil or criminal, nor do they place any limitation on otherwise lawful investigative and litigative prerogatives of the Department of Justice."

EFFECTIVE: 12/16/96

1-4 INFORMATION REGARDING THE EXERCISE OF FIRST AMENDMENT RIGHTS

(1) All information received or made available to the FBI during the course of an investigation should be evaluated for its pertinence to the investigation. This is particularly true when the information concerns the exercise of an individual's or group's First Amendment rights. In such cases, the information concerning the exercise of First Amendment rights should be made a matter of record only if it is pertinent to and within the scope of an authorized law enforcement activity.

(2) When public-source printed material concerning the exercise of First Amendment rights is obtained and a decision made to retain such material, a notation must be placed on the material describing the reason(s) it was collected and retained. The notation must clearly indicate the specific investigative interest(s) which led to the decision to retain the item.

(3) Certain printed public source material may contain a characterization of a group, individual or activity. When such information is disseminated to FBIHQ, FBI field offices or outside the FBI, the transmitting communication should state that the characterization has not been made by the FBI, but by a third party. However, if the characterization comports in whole or in part with the results of independent FBI investigation, the transmitting communication may so state.

EFFECTIVE: 08/22/89

SECTION 2. FBI MANAGEMENT AND ALLOCATION PROGRAMS

2-1 NATIONAL PRIORITY PROGRAMS

EFFECTIVE: 06/26/91

2-1.1 Foreign Counterintelligence (FCI)

EFFECTIVE: 06/26/91

2-1.1.1 Definition

The FCI Program consists of the gathering of information and conducting of activities to protect against espionage and other intelligence activities, sabotage, or assassinations conducted by, for, or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document, or communications security programs.

EFFECTIVE: 06/26/91

2-1.1.2 Objective

The primary program objective is the neutralization of hostile intelligence and international terrorist activities within the United States.

EFFECTIVE: 06/26/91

2-1.2 Organized Crime

EFFECTIVE: 06/26/91

2-1.2.1 Definition

Organized Crime is defined as any group having some manner of formalized structure and whose primary objective is to obtain money through illegal activities. Such groups maintain their position through the use of violence or threat of violence, corrupt public officials, graft or extortion and generally have a significant impact on the people in their locales or region or the country as a whole.

EFFECTIVE: 06/26/91

2-1.2.2 Objective

The long-term mission of the FBI's Organized Crime Program is to eliminate the La Cosa Nostra (LCN) and other organized crime groups as significant threats to American society through sustained coordinated investigations that support successful prosecutive action. |This mission encompasses use of the criminal and civil provisions of the Racketeer Influenced and Corrupt Organizations (RICO) Statute and concomitant seizure and forfeiture of assets acquired with the proceeds of crime or used in the commission of crime.|

EFFECTIVE: 06/26/91

| 2-1.2.3 |Ranking of|Organized Criminal Activities

| (1) |LCN|

(a) Labor Racketeering

| (b) |RICO|LCN Family Enterprise activities (predicates include generic state crimes of murder, kidnaping, gambling, arson, robbery, bribery, extortion and dealing in obscene matters or narcotics; and encompass various Federal offenses including extortion, gambling, obstruction of justice, labor racketeering, securities fraud, narcotics dealing, and unlawful currency transactions).

(c) Corruption (direct LCN involvement)

| (2) |Asian Organized Crime (AOC) Groups

(a) RICO enterprise activities

(b) Corruption (direct AOC involvement)

(3) Italian Organized Crime (IOC) Groups [redacted]

b2

(a) RICO enterprise activities

(b) Corruption (direct IOC involvement)

(4) Other significant organized criminal groups engaged in organized criminal activities and having a national or multidivisional/jurisdictional impact.

EFFECTIVE: 06/26/91

2-1.3 Drug

EFFECTIVE: 06/26/91

2-1.3.1 Definition

The Drug Program of the FBI endeavors to reduce the incidence of illegal drug trafficking and other criminal activity which drug trafficking generates, through investigations conducted on a systematic, coordinated, and sustained basis. This mission is implemented in the FBI's National Drug Strategy through a series of objectives which specifically delineate our role in drug investigations.

EFFECTIVE: 06/26/91

2-1.3.2 Objective

The primary objective of the Bureau's Drug Program is to conduct effective, coordinated investigations against major drug trafficking organizations on a nationwide basis, ultimately neutralizing networks involved in the distribution of heroin, cocaine, marijuana and dangerous drugs, and seizing their illegal profits through forfeiture proceedings.

EFFECTIVE: 06/26/91

2-1.4 Counterterrorism

EFFECTIVE: 06/26/91

2-1.4.1 Definition

The Counterterrorism Program of the FBI principally consists of two groups of investigative matters involving acts of terrorism. One group involves the investigation of terrorist individuals or groups and is preventive in nature. The other group, the reactive type, deals with the terrorist act after it takes place.

EFFECTIVE: 06/26/91

2-1.4.2 Objective

Primary objectives of this program are to detect and prevent the activities of individuals or groups who are or will be involved in acts of violence and violation of Federal laws that are terrorist in nature.

EFFECTIVE: 06/26/91

2-1.5 White-Collar Crime

EFFECTIVE: 11/20/90

2-1.5.1 Definition

These crimes are generally 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; to avoid payment of money, property, or services; or to secure personal business advantage.

EFFECTIVE: 11/20/90

2-1.5.2 Objective

Our principal program objective is to detect, investigate, and provide investigative support in resolving white-collar criminal activities within the jurisdiction of the FBI.

EFFECTIVE: 11/20/90

2-1.5.3 Ranking of Activities

(1) Bank closings and bank embezzlements involving losses exceeding $100,000.

(2) Fraud Against the Government involving federal government officials or losses exceeding $25,000, bribery and other public corruption cases involving federal officials.

(3) State or local public corruption matters involving those officials at management or executive levels or involving systematic corruption within a state or local government agency.

(4) National and international |wire and mail fraud| schemes involving losses in excess of $25,000 or ten or more victims.

(5) All other White-Collar Crime matters.

EFFECTIVE: 10/01/97

||2-1.6 Violent Crimes and Major Offenders|

EFFECTIVE: 07/23/90

||2-1.6.1| Fugitive|Subprogram|

|(1)| Definition

The Fugitive|Subprogram|of the FBI includes locating and apprehending both Federal fugitives and those local fugitives for whom Federal assistance has been requested.

|(2)| Objective

The primary objective of this|subprogram|is the apprehension of violent subjects.

|(3)| Ranking of Activities

|(a)| Subjects wanted for a crime of violence against the person such as murder, manslaughter, forcible rape, robbery and aggravated assault; 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.

|(b)| Subjects 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; one 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.

|(c)| All others.

EFFECTIVE: 07/23/90

||2-1.6.2| Government Reservation Crimes|Subprogram|

| |(1)| Definition

These crimes encompass theft or destruction of Government property and crimes on Government reservations or in Indian country. Also included are other miscellaneous crimes, such as Selective Service Act (SSA) violations, wherein the United States is or may be a party in interest.

| |(2)| Objective

| The|subprogram|objective is the identification, investigation and prosecution of criminals and criminal groups whose crimes are (1) directed against property owned by the United States Government, (2) committed on property where the United States Government has jurisdiction and/or (3) involve the United States Government as a party in interest.

| |(3)| Ranking of Activities

| |(a)| Crime on Government Reservation involving death or serious bodily injury and other personal crimes of violence, i.e., kidnaping, assault, rape, robbery, etc.

| |(b)| Crime on Indian Reservation involving death or serious bodily injury and other personal crimes of violence, i.e., kidnaping, assault, rape, robbery, etc.

| |(c)| Crime on Indian Reservation - embezzlement and/or fraud involving tribal funds.

| |(d)| Other personal crimes on Government reservations or in Indian country.

| |(e)| All other incidents of theft or destruction of Government property.

| |(f)| All property crimes on Government reservations or in Indian country.

| |(g)| All other miscellaneous crimes wherein the

United States Government is or may be a party in interest.

EFFECTIVE: 07/23/90

||2-1.6.3| Interstate Theft|Subprogram|

|(1)| Definition

The Interstate Theft|Subprogram|of the FBI consists principally of Thefts from Interstate Shipments, Interstate Transportation of Stolen Property, the Interstate Transportation of Stolen Motor Vehicles, the Destruction of Aircraft or Motor Vehicles and Interstate Transportation in Aid of Racketeering - Arson (non-LCN).

|(2)| Objective

The primary objective of the Interstate Theft|Subprogram|is the identification and resolution of property crimes within the jurisdiction of the FBI, particularly those of a patterned, commercialized, or major nature; and the neutralization of active criminals and organized crime groups.

|(3)| Ranking of Activities

The below violations are not ranked in order of importance. A successful program depends on the field offices identifying, in their territories, those major problem areas in property crimes wherein FBI attention can best produce significant results and impact on the problem.

|(a)| Theft From Interstate Shipment

|1.| Full Trailer/Container - Hijacking

|2.| Full Trailer/Container - Other

|3.| Less Than Trailer/Container (Package) - Air-Rail-Sea-Truck

|(b)| Interstate Transportation of Stolen Motor Vehicle - Commercialized Theft

|(c)| Interstate Transportation of Stolen Property

|1.| Commercial/Institutional/Heavy Equipment, Industrial Espionage

|2.| Personal/Residential/Hotel-Motel/Auto

|(d)| Destruction of Aircraft or Motor Vehicles

|(e)| Interstate Transportation in Aid of Racketeering - Arson (non-LCN)

EFFECTIVE: 07/23/90

2-1.6.4 Violent Crimes Subprogram (See MIOG, Part I, 7-19, 91-33, 184-10, 192-22, 252-13, 256-10, 272-6.2; MAOP, Part II, 3-1.1, 3-1.2; Correspondence Guide-Field, 1-17.)

(1) Definition

The Violent Crimes Subprogram of the FBI principally consists of a group of reactive investigative matters involving the common characteristic of threatened or actual personal injury or loss of human life.

(2) Objective

Our primary objective in this subprogram is to produce the necessary immediate response to prevent personal injury, and secondarily to resolve those matters where the violation is an accomplished fact.

(3) Ranking of Activities

The response to each violation should adhere to the existing MIOG instructions for each classification. Set forth below is the composition of the Violent Crimes Subprogram by classification, subclassification, and character:

(a) 7A - Kidnapping
7B - Kidnapping - International Parental Kidnaping Crime Act (IPKCA)

(b) 9A - Extortion - All aggravated and/or specific threats or demands involving

domestic and foreign mail and interstate communications.

9B - Extortion - All others, including nonaggravated and/or nonspecific mail and telephone threats.

9C - |Extortion - |Interstate Domestic Violence

|9D - Extortion - Interstate Violation of a Protection Order|

(c) 31B - White Slave Traffic Act - Non-LCN

31C - White Slave Traffic Act - Sexual Exploitation of Children

31D - White Slave Traffic Act - All other cases

(d) 56A - Election Laws - Threats against or personal injury to named persons, federal, state or local level - Violation of Title 18, USC, Section 245 (b)(1)(A)

(e) 89A - Assassinating, Kidnapping or Assaulting a Member of Congress

89B - Assaulting, Killing or Attempting to Kill a Federal Officer

89C - Assassinating, Kidnapping or Assaulting an Executive Department Head or Director, CIA

89D - Assassinating, Kidnapping or Assaulting a Supreme Court Justice

89E - Conspiracy to Impede or Injure an Officer

89F - Crimes Against Family Members of Federal Officials

(f) 91A - Bank Robbery

91B - Bank Burglary, Larceny, $10,000 or more

91C - Bank Burglary, Larceny, under $10,000

91D - Bank Robbery, Burglary, Larceny Suspect Program

91E - Bank Robbery Clinics, Conferences and Seminars

91F - Bank Extortion

(g) 145B - Interstate Transportation of Obscene Matter - Non-LCN

145C - Interstate Transportation of Obscene Matter - Sexual Exploitation of Children

145D - Interstate Transportation of Obscene Matter - All other cases

(h) 164A - Crime Aboard Aircraft - Confirmed aircraft hijacking

164B - Crime Aboard Aircraft - Interference and Threats

164C - Crime Aboard Aircraft - All others

(i) 166C - Interstate Transportation in Aid of Racketeering (Murder for Hire) - Other than organized crime

166E - Interstate Transportation in Aid of Racketeering (Violent Crimes/Street Gangs)- Other than organized crime

(j) 175A - Assassinating, Kidnapping or Assaulting the President or Vice President

175B - Assassinating, Kidnapping or Assaulting a Presidential or Vice Presidential Staff Member

175C - Threats Against the President, Protection of the President

(k) 178 - Interstate Obscene or Harassing Telephone

Calls

(l) Deleted

(m) 184A - Police Killings - Investigation Requested

184B - Police Killings - Other

(n) 192B - Hobbs Act - Commercial Institutions

192C - Hobbs Act - Armored Carriers

(o) 244 - Hostage Rescue Team

(p) 250 - Tampering with Consumer Products

(q) 251A - Controlled Substances - Robbery

251B - Controlled Substances - Burglary

(r) 252A - National Center for the Analysis of Violent Crime/Violent Criminal Apprehension Program

252B - National Center for the Analysis of Violent Crime/Criminal Investigative Analysis Program

252C - National Center for the Analysis of Violent Crime/Research and Development Program

252D - National Center for the Analysis of Violent Crime/Training Program

252E - National Center for the Analysis of Violent Crime/Arson and Bombing Investigative Services Program

252F - National Center for the Analysis of Violent Crime/Crisis Management Program

(s) 256C - Hostage Taking - Nonterrorism Related (See MIOG, Part I, Section 256; MAOP, Part II, 3-1.1, 3-1.2.)

(t) 272C - Money Laundering - Violent Crimes/Major Offenders Program

EFFECTIVE: 11/25/96

2-1.6.5 Violent Crimes and Major Offenders/Organized Crime Drug Enforcement Task Force Subprogram

(1) Definition

The Violent Crimes and Major Offenders/Organized Crime Drug Enforcement Task Force Subprogram of the FBI principally consists of a group of investigative matters involving street/drug gangs that use violence in furtherance of their drug enterprise.

(2) Objective

Our primary objective in this subprogram is the elimination of these violent drug/street gangs through the use of the task force concept and aggressive Federal prosecution.

(3) Ranking of Activities - (Also refer to "All SACs airtel, "National Strategy" dated 11/16/93).

(a) 92D* - Racketeering Enterprise Investigations (REI) - Gangs

(b) 245D* - Organized Crime Drug Enforcement (OCDE) Task Force - Gangs

EFFECTIVE: 02/16/94

2-2 OTHER PROGRAMS

EFFECTIVE: 07/23/90

2-2.1 Deleted

EFFECTIVE: 07/23/90

2-2.1.1 Deleted

EFFECTIVE: 07/23/90

2-2.1.2 Deleted

EFFECTIVE: 07/23/90

2-2.1.3 Deleted

EFFECTIVE: 07/23/90

2-2.2 Applicant Investigations - Reimbursable and Nonreimbursable

EFFECTIVE: 07/23/90

2-2.2.1 Definition

The Applicant Program of the FBI consists of those investigations of a background nature conducted pursuant to statute, Executive order, or other governmental requests designed primarily to develop necessary information regarding an individual's character, reputation, associates, loyalty, and qualifications.

EFFECTIVE: 07/21/95

2-2.2.2 Objective

The primary objective of this program is to select those individuals best qualified for FBI employment and conduct thorough, penetrative background investigations to ensure maintenance of the highest professional standards. In our efforts on behalf of other agencies, this program has as its goal the expeditious and careful development of all necessary background data to support agency decisions with respect to employment, appointment, clearance, etc.

EFFECTIVE: 07/23/90

2-2.2.3 Ranking of Activities

Due to the nature of this program, individual classifications are not ranked in priorities but cases are responded to on an individual basis.

(1) United States Courts Applicants - Reimbursable

(2) Departmental Applicants - Nonreimbursable

(3) |Deleted|

(4) Department of Energy - Reimbursable

(5) Nuclear Regulatory Commission - Reimbursable

(6) |Deleted|

(7) Security of Government Employees - Reimbursable

(8) Security of Government Employees - Nonreimbursable

(9) |Deleted|

(10) Special Inquiry - Reimbursable

(11) Special Inquiry - Nonreimbursable

(12) Bureau Applicants - Special Agent

(13) Bureau Applicants - Support Personnel

(14) Applications for Pardon After Completion of Sentence - Non-reimbursable

(15) |Deleted|

(16) Drug Enforcement Administration - Reimbursable

EFFECTIVE: 07/23/90

2-2.3 Civil Rights

EFFECTIVE: 07/23/90

2-2.3.1 Definition

The Civil Rights Program of the FBI generally addresses those investigative matters which involve the actual or attempted abridgment of rights provided to the citizens and inhabitants of the United States under the Constitution or laws of the country.

EFFECTIVE: 07/23/90

2-2.3.2 Objective

It is the primary objective of this program to enhance and protect those rights through expeditious and thorough attention to matters within our investigative jurisdiction.

EFFECTIVE: 07/23/90

2-2.3.3 Ranking of Activities

Because of the responsive nature of this program, the individual classifications are not ranked in priorities, but violations are responded to as the circumstances demand.

(1) Civil Rights

(2) Civil Rights - Voting Laws

(3) Involuntary Servitude and Slavery

(4) Civil Rights Act of 1964 - Criminal Interference

(5) Civil Rights Act of 1964 - Civil Discrimination

(6) Discrimination in Housing - Criminal Interference

(7) Discrimination in Housing - All Other

(8) Deleted

(9) Equal Credit Opportunity Act

(10) Federal Revenue Sharing

(11) Civil Rights of Institutionalized Persons Act

EFFECTIVE: 07/23/90

2-2.4 FBI Security Program

EFFECTIVE: 07/23/90

2-2.4.1 Definition

The Security Program of the FBI consists of six operational program activities known as Industrial Security, Security Clearance Investigations, Personnel Security, Information Security, Physical Security, and Sensitive Compartmented Information/Special Access Program.

EFFECTIVE: 07/23/90

2-2.4.2 Objective

The primary objective of this program is the protection of National Security Information (NSI) through the management of its six operational activities.

EFFECTIVE: 07/23/90

2-2.4.3 Ranking of Activities

The following activities are not ranked in any order of importance, but are equally significant to the functioning of the Security Program of the FBI.

(1) Personnel Security - Adjudications of FBI applicants and employees for access to NSI, as well as personnel security countermeasures.

(a) Adjudications - trustworthiness determinations made by the Security Programs Manager (SPM) pursuant to the provisions of Executive Order 10450.

(b) Countermeasures - proactive and preventive personnel security subprograms:

1. Marriage Subprogram - requires that employees notify the SPM of intended spouse's identity 60 days in advance of marriage.

2. Foreign Travel Subprogram - requires employees notify the SPM of all intended foreign travel 30 days in advance.

3. Five-Year Reinvestigation Subprogram - requires employees submit to a full-field reinvestigation at least once every five years. This reinvestigation includes the interviews of supervisors, co-workers, neighbors, references, associates, and roommates and verification of education, military service, and court actions. Also, criminal and indices searches are conducted on the employee and all individuals over the age of 16 residing with the

employee. Adjudication of this reinvestigation determines the trustworthiness of an employee in accessing national security information. (See MIOG, Part I, 67-18, 67-18.1.1; MAOP, Part I, 20-26.)

4. Foreign Contact Subprogram - requires employees to notify the SPM in writing of all significant contact with non-U.S. citizens.

5. Outside Employment Subprogram - requires employees to notify the SPM of intended outside employment 30 days in advance.

6. Roommates Subprogram - requires employees to notify the SPM of all individuals (non-Bureau/nonmembers of the immediate family) with whom an employee resides or intends to reside with for a period of 30 days or more.

(2) Information Security - protection of NSI through security awareness programs; countermeasures for safeguarding hard-copy and electronic media information; conducting damage assessments for compromised NSI.

(3) Physical Security - ensures safety of FBI personnel and protection of NSI by preventing penetration of FBI facilities by hostile and/or unauthorized individuals, groups, or organizations.

(4) Sensitive Compartmented Information/Sensitive Accesses - ensures the continued protection of information obtained from extraordinarily sensitive sources through an access adjudication and briefing process developed by the Director of Central Intelligence, but administered by the SPM.

(5) Industrial Security

(a) Personnel Clearance Investigations - determines contractor trustworthiness for access to NSI.

(b) Facility Clearance Investigations - site inspections of contractor facilities to ensure ability to handle and safeguard NSI.

(c) Nonclassified Personnel/Access - approval of contract or non-FBI personnel access to FBI facilities to perform a contract or service not requiring exposure to NSI.

(6) Security Clearance Investigations

(a) Classified Information Procedures Act (CIPA) - pursuant to requests from the Department of Justice (DOJ) Security Officer, security clearance investigations are conducted on U.S. District Court personnel, defense counsel and staff, as well as special prosecutors and staff, and in any case where classified information may be accessed by persons outside the Executive Branch, as a result of criminal or civil law violation investigations.

(b) Foreign Intelligence Surveillance Act (FISA) - requires security clearance investigations be conducted for issuance of clearance by DOJ to telecommunications personnel involved in installation or continuation of FISA court orders.

(c) Joint Task Forces - security clearance investigations for state or local law enforcement officers involved in joint investigative efforts with FBI personnel where classified information, sensitive operations, or sensitive locations are accessed by these persons.

(d) Other - security clearance investigations of persons outside the Executive Branch to whom classified information originated by, or in the possession of, the FBI will be released.

EFFECTIVE: 04/10/96

||2-2.5 Deleted - see 2-1.6.1|

EFFECTIVE: 07/23/90

||2-2.5.1 Deleted - see 2-1.6.1.|

EFFECTIVE: 07/23/90

||2-2.5.2 Deleted - see 2-1.6.1.|

EFFECTIVE: 07/23/90

||2-2.5.3 Deleted - see 2-1.6.1.|

EFFECTIVE: 07/23/90

||2-2.6 Deleted - see 2-1.6.2|

EFFECTIVE: 07/23/90

||2-2.6.1 Deleted - see 2-1.6.2.|

EFFECTIVE: 07/23/90

||2-2.6.2 Deleted - see 2-1.6.2.|

EFFECTIVE: 07/23/90

||2-2.6.3 Deleted - see 2-1.6.2.|

EFFECTIVE: 07/23/90

||2-2.7 Deleted - see 2-1.6.3|

EFFECTIVE: 07/23/90

||2-2.7.1 Deleted - see 2-1.6.3|

EFFECTIVE: 07/23/90

||2-2.7.2 Deleted - see 2-1.6.3|

EFFECTIVE: 07/23/90

||2-2.7.3 Deleted - see 2-1.6.3|

EFFECTIVE: 07/23/90

||2-2.8 Deleted - see 2-1.6.4|

EFFECTIVE: 07/23/90

||2-2.8.1 Deleted - see 2-1.6.4|

EFFECTIVE: 07/23/90

||2-2.8.2 Deleted - see 2-1.6.4|

EFFECTIVE: 07/23/90

||2-2.8.3 Deleted - see 2-1.6.4|

EFFECTIVE: 07/23/90

SECTION 1. FBI NATIONAL ACADEMY

1-1 GENERAL INFORMATION

EFFECTIVE: 07/23/90

1-1.1 Facts About the National Academy (NA)

Established on 7/29/35, the NA course is 11 weeks in length, and is conducted at the FBI Academy, Quantico, Virginia. The primary purpose of the NA is to afford appropriate and meaningful education and training to executives and instructors from municipal, county, and state law enforcement agencies. There are no charges for tuition, books, laundry, dry cleaning or equipment used. Meals and lodging are also furnished all attendees without cost. Travel expense between their place of assignment and the Academy will be paid for all domestic municipal, county, and state officers. Round-trip air coach fare is furnished. Incidental personal expenses must be handled by the officer or his/her department. The curriculum covers such areas as: criminal law, police management, behavioral science, forensic science, law enforcement communication, fitness/health, and a specialized instruction program in the law enforcement arts. Applications from law enforcement agencies of limited jurisdiction and law enforcement activity will not be considered in absence of complete justification. Where any doubt exists, each application will be reviewed. A healthy lifestyle is encouraged.

EFFECTIVE: 07/14/95

1-1.2 Qualifications for Attendance

Applicant must:

(1) Be of good moral character and reputation and outstanding in the law enforcement profession.

(2) Be nominated by the head of his/her agency without regard to race, color, sex or national origin.

(3) Be at least 25 years of age.

(4) Be a regularly appointed full-time law enforcement officer with a minimum of five years of law enforcement experience, without significant interruption, who agrees to remain in law enforcement a minimum of three years after graduation.

(5) Be in excellent health and physical condition, medically certified for strenuous physical exertion and regular participation in physical training. Certification must be made as a result of a physical examination by a medical doctor of the candidate's choice and at candidate's expense. Forms SF-88 and FD-300 must be submitted, reviewed and approved as a condition of acceptance prior to invitation. Candidate's weight must be within desirable limits for his/her height and frame or must score a body fat measurement of not more than 25.3 percent. All NA candidates are required to meet the weight standards by the deadline date established for each session. If a candidate is unable to meet the required deadline, he/she is to be removed from consideration until the weight is acceptable.

(6) Have at least a high school diploma or high school equivalency certificate.

EFFECTIVE: 07/14/95

1-1.3 Nominating Candidates

(1) When an NA application is received by a field office, a 1-Dead file should be prepared. The receipt of the application should be acknowledged by the field office. Any withdrawal of a candidate for the NA by the head of an agency should be acknowledged in writing by the SAC.

(2) The office indices must be checked, Special Agents who deal directly with the department consulted, and any other additional sources necessary must be checked for information concerning the law enforcement agency recommending representation at the NA. The communication to FBIHQ nominating the candidate must show that this check has been made. If there is any information in the office files or otherwise known by the office revealing any difficulty with the agency or unfavorably reporting upon the integrity and efficiency of the agency, this information must be set out in the communication to FBIHQ, even though it has been furnished previously.

(3) When applicant is to be considered for a specific NA class, SAC, ASAC, field supervisor or Special Agents directly involved in NA matters will personally, formally interview applicant. The interviewer should review application for completeness and clarify any ambiguities during the interview. Interview Form FD-319 must be completed.

(4) When the field office is ready to recommend a candidate for a specific session, the office will send to FBIHQ by FD-456 appropriate forms, including application, interview form, and fingerprints. UACB, the field office will institute the investigation with a 21-day deadline for submitting completed results, by summary electronic communication, to FBIHQ.

(5) NA investigations should be completed no later than 120 days prior to the beginning of the session for which a candidate is recommended and in accordance with instructions reflected under major topic 1-2.

(6) Office of origin will set forth leads to lead offices on Form FD-456. No additional communications should be sent to FBIHQ until the investigation is completed, discontinued, or unless some express reason exists.

(7) Results of investigation should be promptly reported to FBIHQ, Attention: National Academy Admissions Office - Quantico,

by electronic communication summary as described under secondary topic 1-2.3.

(8) Upon receipt of registration forms, Special Agent coordinator will ensure that applicant's course selection questionnaire is completed and returned as per instructions contained in the forms.

EFFECTIVE: 11/05/97

1-1.4 Invitation Policy Regarding Applicants (See Legal Attache Manual, Part I, 6-5.3)

(1) Upon review of applicant's completed investigative results, invitations to attend NA will be made by letter from FBIHQ. SAC and Agents assigned to SAC's office are not to promise applicant or his/her agency that he/she will attend a certain session of NA. SACs and Agents are to be extremely careful in relations with local authorities in order that no one can infer he/she will be attending next session.

(2) Upon receipt of a copy of letter of invitation, the SAC must cause an acceptance to be forwarded to FBIHQ without delay. If delay will occur or for some reason invitation will be declined, SAC shall notify FBIHQ immediately furnishing details as to situation. Because of the considerable disruption and confusion created as a result of a late cancellation, no standby candidate will be substituted for a primary candidate when the primary candidate is dropped from the program within (5) working days of reporting to Quantico.

(3) One week prior to the commencement of each NA session, the SAC must forward an electronic communication to the Bureau, Attention: Training Division, certifying that each of the prospective NA applicants scheduled to take firearms training is knowledgeable regarding FBI firearms range safety rules and has a reasonable proficiency with weapons used in our training. SAC will also certify that the applicant was advised that he/she is expected to attend all classes promptly and regularly during the NA session.

(4) Thirty days prior to a candidate reporting to the NA, field offices will certify that he/she meets the desirable weight or body fat standards. Those not meeting established standards should be

rescheduled to a future session when they do meet the weight standards, and a standby candidate may be substituted to fill the vacancy. Should a field office send a candidate who is overweight, the candidate will be accepted into the program; however, the field office will be penalized by losing a slot for the next NA session.

EFFECTIVE: 11/05/97

1-1.5 Post Graduate Policy

(1) Graduates should be contacted by Agents within two weeks after graduation and by the SAC at the earliest practical opportunity.

(2) Advise FBIHQ of contacts by routing slip unless contacts provide information which would assist FBIHQ in improving NA program, in which case submit by electronic communication.

(3) Deleted

(4) Graduates to be invited to attend regular firearms training of Agents UACB.

(5) FBIHQ will add all NA graduates to a computerized mailing list.

(6) When information is received that an NA graduate moves out of a field office territory, his/her new residence should be verified. This pertains to NA graduates who are actively employed in law enforcement or are in retirement and eligible for continued membership in FBINA Associates. Upon verification, office of origin should forward NA graduate's file to field office covering his/her new residence. Office of origin should retain NA graduate's index card and make a notation on card that graduate has moved and his/her NA file has been sent to field office wherein he/she resides.

(7) Deleted

(8) SACs may designate or approve attendance of their Agent personnel at meetings and conferences of FBINA Associates when these events are held within the field office territory. It is expected that good judgment will be exercised in making such assignments, and SAC must coordinate travel to meetings and

conferences held outside field office territory with and obtain approval from SAC of office covering territory to be visited. Spouses and families may accompany Bureau personnel to these meetings where no increase in costs to the government would result and there exist no other factors requiring disapproval. In this regard, an SAC may authorize on a case-by-case basis an Agent's spouse to travel in a Bureau automobile while the Agent is en route to and from a function in which the Agent has an official role, provided the Bureau vehicle is used exclusively as basic transportation to and from the FBI sanctioned function. The foremost consideration in granting such a request should be whether such travel would be considered to be in the best interest of the government. Among the factors to be considered are length of time of the function and distance to be traveled. |(See MIOG, Part II, 23-8.1; MAOP, Part I, 1-3.1; Part II, 1-2.1, 8-5.)|

EFFECTIVE: 11/05/97

|1-1.6 |Deleted|

EFFECTIVE: 11/05/97

1-2 APPLICANT INVESTIGATIONS

EFFECTIVE: 01/22/90

1-2.1 Investigative Guidelines

(1) A thorough investigation must be made of all National Academy (NA) applicants, supervised by the SAC, to determine if the applicant is an outstanding police officer. NA applicant investigation must be conducted with same degree of thoroughness and penetrative analysis as investigation of Special Agent applicants.

(2) The applicant's date of birth must be verified. This may be done through review of education records, employment records or

other appropriate official sources. Resolve any discrepancies in date of birth through appropriate Bureau of Vital Statistics records.

(3) It is not necessary to interview references unless information developed during other facets of investigation would dictate otherwise.

(4) Former and present law enforcement employments and ranks held should be checked thoroughly. Birth date, time in law enforcement and education may be verified through a review of the applicant's personnel file.

(5) The applicant's superiors and a sampling of his/her associates in law enforcement must be interviewed with a serious effort to determine the applicant's competency as a law enforcement officer and his/her potential for advancement. This aspect of the investigation will carry significant weight in determining a police officer's suitability for NA training.

(6) Credit and arrest records must be searched in locales of residence on the applicant for the five-year period preceding the initiation of the investigation. All credit checks will be processed by contractor personnel at FBIHQ. Authority to Release Information Form (FD-406) must be completed by and obtained from the applicant at the time of initial interview and forwarded to FBIHQ.

(7) Field office indices must be searched on the applicant and his/her law enforcement agency. Results must be specifically reported.

(8) Applicant's physical condition must be ascertained not only by having applicant submit to physical examination and having results reported on Standard Form 88 but also by interviewing acquaintances. If an applicant has recently undergone a physical examination which will not be more than one year old on his/her anticipated graduation day from the NA, this examination reported on forms SF-88 and FD-300 will be acceptable. The applicant will bear the full expense of the examination.

(9) The highest level of education the applicant has attained must be verified. This may be accomplished by determining from his/her appropriate official personnel file, his/her highest diploma, equivalency, or degree. If the file does not reflect this information, the applicant's educational level must be verified through the appropriate educational institution.

(10) Periods of time not accounted for in the application form must be ascertained, investigated, and the details furnished to FBIHQ.

(11) If, during investigation of applicant, matters arise reporting unfavorably upon law enforcement agency by which applicant is employed, this information should be brought to FBIHQ's attention with specific reference to the NA applicant. Such matters include complaints charging civil rights violations by members of the department, charges of graft or corruption, or uncooperative attitude by executive head or other members of the agency.

(12) Allegations reporting unfavorably upon character or reputation of applicant must be completely resolved.

(13) When a candidate previously investigated has not been invited to attend for reasons not precluding future attendance, investigation must be brought up to date if more than six months old. If investigation is less than six months but more than 90 days old, make current indices, credit and arrest checks; and report results in summary airtel in which appointment is recommended. |All updated credit checks will be processed by contractor personnel at FBIHQ.|

(14) If all investigation proves favorable, letter of invitation will be sent from FBIHQ.

(15) These procedures place full responsibility on the field for insuring that all NA attendees meet the high standards required.

EFFECTIVE: 12/10/91

1-2.2 Investigation of Military Service Candidates

It is not necessary to conduct full investigations of NA applicants of U.S. Military Services. Office of origin will be the office covering applicant's present place of assignment. Restrict investigations of U.S. Military candidates to the following unless information is obtained indicating additional inquiry is desirable:

(1) Name check of applicant in field office indices.

(2) Submission of the applicant's fingerprints to FBIHQ for search through|Criminal Justice Information Services|Division

records.

(3) Verification of applicant's birth, education and law enforcement experience through review of military personnel file. Comment on applicant's service record as appropriate, e.g., awards, decorations, courtmartials, nonjudicial punishment, etc. Appropriate military intelligence records must be checked.

(4) Interview of the applicant's immediate superior and if practical, one or two of his/her associates in his/her current post of assignment. Inquiries should also be made of established sources at his/her current post of assignment making certain there is no information known to them which would preclude acceptance of the applicant.

(5) Credit and criminal checks of applicant at all places of residence in the United States for the five-year period preceding the initiation of the investigation. All credit checks will be processed by contractor personnel at FBIHQ. A completed and signed FD-406 should be forwarded to FBIHQ.

(6) Interview of applicants by SAC, ASAC, field supervisors or Special Agents directly involved in NA matters, the same as other applicants.

(7) Submit results of physical examination on SF-88 and FD-300. If applicant has undergone a physical examination that will be less than one year old on the anticipated day of his/her graduation from the NA, a copy of that physical accompanied by a completed FD-300 will satisfy this requirement.

(8) Results of investigation should be reported in the same manner as for local candidates and as explained below.

EFFECTIVE: 07/14/95

1-2.3 Reporting Results of Investigations

EFFECTIVE: 12/10/91

| 1-2.3.1 |Lead|Offices

Investigative results will be furnished to the office of
| origin by|electronic communication|summary. Unfavorable or questionable information will be set forth in detail. Copies should not be forwarded to FBIHQ.

EFFECTIVE: 11/05/97

1-2.3.2 Office of Origin

Upon completion of all investigation, will submit an
|electronic communication|summary of all results. |Investigative|notes
| must be maintained in the 1-A|evidence envelope|in the case file.

EFFECTIVE: 11/05/97

| 1-2.3.3 |Electronic Communication|Summary

| The|electronic communication|summary, in clear, concise, succinct language, should be sent: Attention: National Academy Admissions Office - Quantico, and should contain the following information under the headings indicated:

(1) Birth - Set forth date and place of birth and statement that birth data has been verified.

(2) Education - Verification of high school graduation or receipt of high school equivalency certificate and higher education of applicant, if applicable. If applicant has acquired a college degree from an accredited institution and this is verified, it will not be necessary to confirm his/her high school graduation.

(3) Law Enforcement Experience - Dates of law enforcement service and rank attained; recommendation of pertinent superiors and peers should be included. National Academy graduates in applicant's department or neighboring departments should be contacted. If these contacts are favorable, a statement to that effect will suffice.

Briefly summarize his/her experience and potential.

(4) Deleted

(5) Record Checks and Supportive Data - Status of the applicant's credit should be determined. Credit checks will be processed by contractor personnel at FBIHQ. Field offices must ensure the various release forms (i.e., FD-406) utilized in applicant-type investigations are completed and forwarded to FBIHQ. Include a statement that arrest records are negative regarding the applicant, if such is the case. If arrest records are located within the five-year period preceding the investigation, FULL DETAILS MUST BE OBTAINED AND SET OUT ALONG WITH THE RECOMMENDATION OF THE SAC REGARDING THE SAME. Also report in this section the results of field office indices checks.

(6) Deleted

(7) Physical Condition - Physical Examination Form SF-88 and accompanying FD-300 should be submitted as enclosures to the electronic communication summary if not previously submitted. A serology test and an EKG are required for all applicants. Applicants must meet Bureau weight standards and be physically qualified based on physical examinations and interviews with acquaintances.

(8) Recommendation of SAC - SAC should indicate that all investigative results have been reviewed AND COMMENT ON APPLICANT'S OUTSTANDING CHARACTERISTICS AS WELL AS OBSERVATIONS AND RECOMMENDATIONS ON ANY ADVERSE INFORMATION.

(9) Direct Invitation To - Provide the name and address of the agency head or other individual to whom the invitation should be directed. Usually this is the same individual who nominated the applicant.

EFFECTIVE: 11/05/97

1-2.4 Character - FBI National Academy Applicant

EFFECTIVE: 12/10/91

1-3 ADVANCED SPECIALIZED TRAINING FOR CRIMINAL JUSTICE PERSONNEL AT THE FBI ACADEMY (NON-FBI NATIONAL ACADEMY)

In addition to the FBI National Academy Program, the Training Division schedules on an annual basis selected short-term courses to address the technical, investigative and management needs of the local law enforcement community. Details regarding selection criteria and administrative requirements are contained in the Manual of Administrative Operations and Procedures, Part II, Section 8-4.

EFFECTIVE: 04/28/86

SECTION 2. NEUTRALITY MATTERS

2-1 STATUTES

Title 18, USC, Sections 956 and 958-962; Title 22, USC, Sections 1934 and 401

EFFECTIVE: 01/31/78

2-1.1 Section 956. Conspiracy to Injure Property of Foreign Government

"(a) If two or more persons within the jurisdiction of the United States conspire to injure or destroy specific property situated within a foreign country and belonging to a foreign government or to any political subdivision thereof with which the United States is at peace, or any railroad, canal, bridge, or other public utility so situated, and if one or more such persons commits an act within the jurisdiction of the United States to effect the object of the conspiracy, each of the parties to the conspiracy shall be fined not more than $5,000 or imprisoned not more than three years, or both.

"(b) Any indictment or information under this section shall describe the specific property which it was the object of the conspiracy to injure or destroy."

EFFECTIVE: 01/31/78

2-1.2 Section 958. Commission to Serve Against Friendly Nation

"Any citizen of the United States who, within the jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, against any prince, state, colony, district, or people, with whom the United States is at peace, shall be fined not more than $2,000 or imprisoned not more than three years, or both."

EFFECTIVE: 01/31/78

2-1.3 Section 959. Enlistment in Foreign Service

"(a) Whoever, within the United States, enlists or enters himself, or hires or retains another to enlist or enter himself, or to go beyond the jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people as a soldier or as a marine or seaman on board any vessel of war, letter of marque, or privateer, shall be fined not more than $1,000 or imprisoned not more than three years, or both.

"(b) This section shall not apply to citizens or subjects of any country engaged in war with a country with which the United States is at war, unless such citizen or subject of such foreign country shall hire or solicit a citizen of the United States to enlist or go beyond the jurisdiction of the United States with intent to enlist or enter the service of a foreign country. Enlistments under this subsection shall be under regulations prescribed by the Secretary of the Army.

"(c) This section and sections 960 and 961 of this title shall not apply to any subject or citizen of any foreign prince, state colony, district, or people who is transiently within the United States and enlists or enters himself on board any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people."

EFFECTIVE: 01/31/78

2-1.4 Section 960. Expedition Against Friendly Nation

"Whoever, within the United States, knowingly begins or sets on foot or provides or prepares a means for or furnishes the money for, or takes part in, any military or naval expedition or enterprise to be carried on from thence against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace, shall be fined not more than $3,000 or imprisoned not more than three years, or both."

EFFECTIVE: 01/31/78

2-1.5 Section 961. Strengthening Armed Vessel of Foreign Nation

"Whoever, within the United States, increases or augments the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States is at peace by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

EFFECTIVE: 01/31/78

2-1.6 Section 962. Arming Vessel Against Friendly Nation

"Whoever, within the United States, furnishes, fits out, arms, or attempts to furnish, fit out or arm, any vessel, with intent that such vessel shall be employed in the service of any foreign prince, or state, or of any colony, district, or people, to cruise, or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States is at peace; or

"Whoever issues or delivers a commission within the United States for any vessel, to the intent that she may be so employed-

"Shall be fined not more than $10,000 or imprisoned not more than three years or both..."

EFFECTIVE: 01/31/78

2-1.7 Title 22, USC, Section 1934. Munitions Control

This statute commonly known as Munitions Control Act, and regulations issued thereunder provide all persons engaged in manufacture, importation, or exportation of arms, ammunition, or implements of war must register with Department of State and secure a license from State Department to import or export these items.

Maximum penalty, $25,000 or two years, or both.

EFFECTIVE: 01/31/78

2-1.8 Title 22, USC, Section 401. Seizure Powers

(1) "(a) Whenever an attempt is made to export or ship from or take out of the United States any arms or munitions of war or other articles in violation of law, or whenever it is known or there shall be probable cause to believe that any arms or munitions of war or other articles are intended to be or are being or have been exported or removed from the United States in violation of law, the Secretary of the Treasury, or any person duly authorized for the purpose by the President, may seize and detain such arms or munitions of war or other articles and may seize and detain any vessel, vehicle, or aircraft containing the same or which has been or is being used in exporting or attempting to export such arms or munitions of war or other articles. All arms or munitions of war and other articles, vessels, vehicles, and aircraft seized pursuant to this subsection shall be forfeited..."

(2) Executive Order 10863 conferred seizure power authority upon the Attorney General, and Department of Justice Order 200-60 redelegated this authority to the Director of the FBI. Department of Justice Order 271-62, section 0.89, printed in the Federal Register 6-1-62, restated this redelegation of authority to the Director. By agreement with the Treasury Department, this authority is to be exercised by the FBI only in Neutrality cases.

EFFECTIVE: 06/18/87

2-1.9 Purpose and Procedure of Seizures

(1) The Department has advised that the dominant purpose of seizure powers under Section 401 is to accomplish forfeiture of arms and munitions of war which have been the subject of attempted exportation in violation of law. The FBI may make seizures under Section 401 only in those instances during investigations of violation of Neutrality statutes in which it develops that arms will be illegally exported, the seizures must be made to prevent the illegal exportation, and arrests are not to be made. It is mandatory, obviously, that probable cause exists to believe that the material is about to be illegally exported. If arrests are to be made, seizures must be made incidental to lawful arrest or on basis of a search warrant and not under Section 401.

(2) Prior to making any seizure under Section 401, FBIHQ authority must be obtained wherever possible, using whatever means of communication warranted under the circumstances. SAC may authorize seizure under Section 401 only in those instances in which time is of essence and does not permit prior communication with FBIHQ.

(3) The FBI has been delegated authority to institute civil administrative forfeiture proceedings pursuant to Section 401. The Forfeiture and Abandoned Property manual contains the step-by-step procedure to be followed for seizures and civil forfeiture proceedings (judicial and administrative) conducted in conjunction with this violation.

EFFECTIVE: 06/18/87

2-2 ELEMENTS

EFFECTIVE: 06/18/87

2-2.1 Section 956

Persons within the jurisdiction of the U.S. conspire to damage property in a foreign country and owned by a foreign government with which the U.S. is at peace and one or more of the conspirators commits an act within the jurisdiction of the U.S. to carry out the conspiracy.

EFFECTIVE: 06/18/87

2-2.2 Section 958

Citizen of U.S. within its jurisdiction accepts and exercises a commission to serve against any country with which U.S. is at peace.

EFFECTIVE: 07/18/86

2-2.3 Section 959

(1) Anyone within U.S. enlists to serve in foreign service, or

(2) Anyone within U.S. hires or retains another to enlist or enter himself/herself in foreign service, or

(3) Anyone within U.S. hires another to go beyond jurisdiction of U.S. with intent to be enlisted in foreign service. (Not necessary that war exist anywhere to constitute violation of this section.)

EFFECTIVE: 07/18/86

2-2.4 Section 960

(1) Anyone within U.S. knowingly begins or sets on foot any military or naval expedition or enterprise to be carried on from the U.S. against a country with which U.S. is at peace.

(2) Anyone within U.S. knowingly provides or prepares a means for or furnishes money for or takes part in any military or naval expedition or enterprise to be carried on from the U.S. against a country with which U.S. is at peace.

EFFECTIVE: 07/18/86

2-2.5 Section 961

Anyone within U.S. increases or augments force of any ship of war, which at time of arrival in U.S. was ship of war belonging to country at war with country at peace with U.S.

EFFECTIVE: 07/18/86

2-2.6 Section 962

(1) Anyone within U.S. fits out or arms, or attempts to do so, any vessel to be employed by any country to commit hostilities against country with which U.S. is at peace.

(2) Anyone within U.S. issues or delivers commission for any vessel with the intent to be so employed.

EFFECTIVE: 07/18/86

2-2.7 Title 22, USC, Section 1934

(1) Requires all persons engaged in manufacture, importation, or exportation of arms, ammunition, or implements of war to register with Department of State and secure license from State Department for exportation or importation of these items.

(2) Violations of this section under investigative jurisdiction of U.S. Customs Service. Under normal circumstances alleged violations should be referred directly by field office receiving complaint to local office of U.S. Customs Service, except under circumstance outlined in (2-3).

EFFECTIVE: 07/18/86

2-3 POLICY

(1) Neutrality Matters are investigated by the FBI as criminal violations. They frequently have international ramifications. Since such violations have also become increasingly terroristic in essence, the Department of Justice, Department of State, National Security Council, Secret Service, as well as various other interested Government agencies, have expressed their continuing interest in such matters. FBIHQ must, therefore, be promptly notified of all alleged violations of Title 18, USC, Section 956 and Sections 958-962.

(2) Interview the complainant thoroughly to obtain full facts, identities of parties concerned, citizenship, nationality, and other available pertinent information. Thereafter, promptly report to FBIHQ in form of letterhead memorandum all facts developed so that same may be relayed to the Criminal Division of the Department for its review. Do not conduct any additional investigation until FBIHQ, at the request of the Criminal Division, so instructs.

(3) Duplication of effort has been experienced in the investigation of violations of Neutrality statutes under FBI jurisdiction which also involve violations of the Munitions Control Act (Title 22, USC, Section 1934). That Act is under the primary investigative jurisdiction of the U.S. Customs Service, Department of the Treasury.

EFFECTIVE: 07/18/86

2-3.1 Jurisdictional Agreement with Treasury Department

In order to eliminate such duplication, the following agreement with the Treasury Department was entered into in 1955:

(1) If Customs Service receives an allegation of a violation of the Munitions Control Act (Title 22, USC, Section 1934), it will investigate all matters arising therefrom, even though they subsequently involve statutes relating to Neutrality violations within FBI jurisdiction. If, however, Customs determines in the course of its investigation facts which involve a conspiracy of major proportions against a foreign government, Customs may request the FBI to assume investigation. Field offices must not accept for investigation these referrals from the local office of Customs. In that instance inform Customs it should refer the matter to FBIHQ through its Headquarters in Washington, D. C. Advise FBIHQ immediately of such requests.

(2) If we receive complaint alleging possible violation of the Munitions Control Act (Title 22, USC, Section 1934), the complaint should be refferred by the field office receiving it to the local office of U. S. Customs Service for appropriate action. Do not conduct any investigation.

(3) If we receive an allegation of violation of Neutrality laws under FBI jurisdiction (Title 18, USC, Sections 958-962, inclusive), we will investigate all phases including violations of the Munitions Control Act under Customs jurisdiction which may arise therefrom.

(4) If Customs receives an allegation of violation of Neutrality laws under FBI jurisdiction (Title 18, USC, Sections 958-962, inclusive), it will refer such allegations to FBI locally for any action warranted and Customs Service will not conduct any investigation.

(5) In all of the above instances, communications containing results of investigation will be exchanged by the FBI and the U. S. Customs Service to keep them completely informed. Appropriate liaison must be maintained by FBI field office and local offices of U.S. Customs Service.

EFFECTIVE: 01/31/78

2-4 CHARACTER - NEUTRALITY MATTERS - (Identify Country)

EFFECTIVE: 01/31/78

SECTION 3. OVERTHROW OR DESTRUCTION OF GOVERNMENT

3-1 STATUTE

Title 18, USC, Section 2385, proscribes advocacy of overthrowing or destruction of the Government of the United States, or government of any State, Territory, District or Possession thereof, or government of any political subdivision therein by force or violence.

EFFECTIVE: 01/31/78

3-2 INSTRUCTIONS

You are referred to Section 100, Part I, MIOG, because advocating the overthrow or destruction of Government has now been incorporated in that section.

EFFECTIVE: 01/31/78

SECTION 4. FIREARMS ACTS

4-1 STATUTES

(1) Title 18, USC, Sections |921-930|

(2) |Deleted|

(3) Title 26, USC, Sections 5801-5872

EFFECTIVE: 06/26/91

4-1.1 Title 18, Sections 921-930 Gun Control Act of 1968 or State Firearms Control Assistance Act

The Gun Control Act principally (1) prohibits the shipment, transfer or receipt of firearms or ammunition in interstate or foreign commerce to or by nonfederally licensed persons; (2) licenses manufacturers, importers and collectors of, and dealers and pawnbrokers, in, firearms and ammunition; (3) regulates imports through a permit system; (4) restricts the use of certain ammunition; (5) prohibits the possession of firearms and dangerous weapons in federal|facilities; (6) provides for an additional five-year term of imprisonment for one who uses or carries a firearm during a violent or drug trafficking crime (see MIOG, Part I, 281-2.1.18).|

EFFECTIVE: 05/10/96

4-1.2 |Deleted|

EFFECTIVE: 06/26/91

4-1.3 Title 26, Sections 5801-5872 National Firearms Act

This act imposes a tax and registration on making or transfer of all fully automatic weapons, sawed-off rifles and shotguns, certain firearms oddities and destructive devices.

EFFECTIVE: 06/26/91

4-2 POLICY

The FBI has only a secondary jurisdiction over the enforcement of the National Firearms Act, and the State Firearms Control Assistance Act. Primary investigative jurisdiction rests in the U.S. Treasury Department and has been delegated by the Secretary of the Treasury to the Bureau of Alcohol, Tobacco and Firearms. The Internal Revenue Service still has jurisdiction over the collection of taxes imposed by these statutes and issuing the transfer orders as provided by the National Firearms Act. The Bureau of Alcohol, Tobacco and Firearms enforces the criminal violations. Therefore, unless a violation of the National Firearms Act or the State Firearms Control Assistance Act grows out of a violation within the FBI's primary investigative jurisdiction, no investigation should be conducted and any complaint received should be referred to the Bureau of Alcohol, Tobacco and Firearms. Pertinent information concerning convictions obtained by the FBI under these acts should be furnished to the nearest regional office of the Bureau of Alcohol, Tobacco and Firearms. This may be furnished in a form of a short dissemination memorandum.

EFFECTIVE: 06/26/91

4-3 INVESTIGATIVE PROCEDURE

(1) Active investigation should be conducted by the FBI in National Firearms Act or State Firearms Control Assistance Act violations when these violations directly relate to any investigation over which the FBI has primary investigative jurisdiction. This will include, but not be limited to, FBI investigations of domestic security/terrorism matters.

(2) Every Agent should immediately make certain that the firearm in the possession of the subject or alleged to have been

transported in interstate or foreign commerce is a weapon meeting the definition of a firearm by the National Firearms Act or the State Firearms Control Assistance Act.

(3) When necessary to trace firearms that are covered by the National Firearms Act Amendment of 1968, which includes sawed-off shotguns, machine guns, shotgun pistols, bazookas, automatic weapons, odd noncommercial weapons, and explosive and incendiary devices, registered with the Bureau of Alcohol, Tobacco and Firearms (ATF) and to obtain documentary evidence of nonregistration of particular weapons or to determine if a subject or suspect has registered weapons other than those being traced, requests should be made through the appropriate district office of ATF. Furnish the type of firearms or explosive and incendiary device, including manufacturer, model, caliber or gauge, barrel length, overall length, serial number, and name and address of interested U.S. Attorney (USA). If certification is needed for court proceeding, this will be furnished directly to the interested USA by ATF.

(4) To trace all regular and sporting guns during normal business hours, the interested FBI field office should call directly to ATF Headquarters and furnish as much of the following information as available: priority of request (urgent, expedite, routine), requesting agency, location and telephone number, date, Special Agent's name, manufacturer, caliber or gauge, magazine or cylinder capacity, barrel length, finish, serial number, country of origin, any other identifying marks, and reason for trace. ATF 24-hour-a-day telephone numbers for receiving requests is [redacted] b2 [redacted] If an emergency exists after business hours, ATF Headquarters Command Center, which operates 24 hours a day, will initiate traces. Command Center FTS number is [redacted]

(5) If ammunition is being considered, the particular ammunition under investigation should be carefully described to make certain it meets the requirements of the ammunition section of the State Firearms Control Assistance Act.

(6) Where the basis of prosecution is one of the provisions of the State Firearms Control Assistance Act requiring proof of a prior conviction of or an indictment for a crime punishable by imprisonment for a term exceeding one year, such a crime may be either a state or a Federal offense and in either instance the USA should be consulted as to the proper method of introducing evidence of the prior state or Federal conviction.

EFFECTIVE: 06/26/91

4-4 CHARACTER

National Firearms Act|or|State Firearms Control Assistance Act, depending upon the type of violation being investigated.

EFFECTIVE: 06/26/91

SECTION 5. INCOME TAX

5-1 INCOME TAX

The Internal Revenue Service, under the direction of the Commissioner, has general supervision over the determination, assessment, and collection of all internal revenue taxes. Violations of the Federal income tax laws which are reported to FBIHQ are forwarded directly to the Commissioner of Internal Revenue Service, Washington, D. C. Similar information furnished to field offices should be forwarded to the nearest district director of Internal Revenue Service in the field.

EFFECTIVE: 01/31/78

SECTION 6. INTERSTATE TRANSPORTATION OF STRIKEBREAKERS

6-1 STATUTE

Title 18, USC, Section 1231.

EFFECTIVE: 10/18/88

6-1.1 Elements

(1) Subject, who is not operating as common carrier:

(a) Willfully transports any person who is employed or is to be employed, or

(b) Knowingly travels himself/herself

(c) In interstate or foreign commerce

(2) For the purpose of obstructing or interfering by force or threats with either:

(a) Peaceful picketing by employees during any labor controversy affecting wages, hours, or conditions of labor, or

(b) Exercise by employees of any of rights of self-organization or collective bargaining.

EFFECTIVE: 10/18/88

6-2 POLICY

Upon receipt of complaint of information indicating a possible violation, obtain opinion of USA as to whether there is sufficient indication therein of a violation to justify investigation. Advise FBIHQ in the event complaint or information concerns an extremely prominent or controversial figure, or if the circumstances dictate a need to do so.

EFFECTIVE: 10/18/88

6-3 REPORTING PROCEDURES

(1) |Advise FBIHQ by airtel within 60 days setting forth the facts of the complaint and a succinct summary of the preliminary investigation conducted.|

(2) |A closing airtel should be submitted to FBIHQ restating the predication for opening the investigation, summarizing the investigative findings and detailing the disposition of the investigation.|

EFFECTIVE: 10/18/88

6-4 INVESTIGATIVE PROCEDURES

In conducting logical investigation:

(1) Establish identity, not only of actual employer who is having labor difficulties and who pays wages of strikebreakers who are sent to the employer, but also of all persons who transported or caused strikebreakers to be transported to employer, such as employment or detective agency operators.

(2) Obtain details of all overt acts by those transported after arrival at destination, including date of arrival, how soon thereafter overt acts took place and what other activities intervened.

(3) Obtain criminal and employment records of those transported as evidence bearing upon whether they were employed as bona fide and qualified workers rather than as strikebreakers.

(4) Establish:

(a) Existence of labor controversy and peaceful picketing, or other activities in connection with self-organization or collective bargaining

(b) How these activities were interfered with by strikebreakers and extent of interference. Consider interviews of union officials and examination of union records regarding this.

(5) In cases involving interference with picketing, determine whether it was peaceful. Consider interviews of employers, workers who continued to work and crossed picket lines for this purpose, police officers assigned to maintain order on picket line, and check of police records.

EFFECTIVE: 10/18/88

||6-5| PENALTIES

Not more than $5,000 fine and/or not more than two years' imprisonment.

EFFECTIVE: 02/08/80

||6-6| CHARACTER - INTERSTATE TRANSPORTATION OF STRIKEBREAKERS

EFFECTIVE: 02/08/80

SECTION 7. |KIDNAPPING|

7-1 STATUTES

| Title 18, USC, Sections |1201, 1202 and 1204.|

EFFECTIVE: 11/09/94

7-1.1 Section 1201. Kidnapping (See MIOG, Part I, 7-1.3, 89-2.2(8).)

"(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when --

"(1) the person is willfully transported in interstate or foreign commerce;

"(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

"(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in ||section 46501 of title 49;|

"(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title, or

"(5) the person is among those officers and employees designated in Section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties,

"shall be punished by imprisonment for any term of years or for life."

"(b) With respect to subsection (a)(1), above, the failure to release the victim within 24 hours after he shall have been

unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce.

"(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

"(d) Whoever attempts to violate subsection (a)(4) or (a)(5) shall be punished by imprisonment for not more than twenty years.

"(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49.

"(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

"(g) Special rule for certain offenses involving children.

"(1) To whom applicable. -If-

"(A) the victim of the offense under this section has not attained the age of eighteen years; and

"(B) the offender-

"(i) has attained such age; and

"(ii) is not-

"(I) a parent;

"(II) a grandparent;

"(III) a brother;

"(IV) a sister;

"(V) an aunt;

"(VI) an uncle; or

"(VII) an individual having legal custody of the victim;

"the sentence under this section for such offense shall be subject to paragraph (2) of this subsection."

"(2) Guidelines.-The United States Sentencing Commission is directed to amend the existing guidelines for the offense of 'kidnapping, abduction, or unlawful restraint,' by including the following additional specific offense characteristics:..."

"(h) As used in this section, the term 'parent' does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order."

EFFECTIVE: 12/23/96

7-1.2 Section 1202. Ransom Money

"Whoever receives, possesses, or disposes of any money or other property, or any portion thereof, which has at any time been delivered as ransom or reward in connection with a violation of section 1201 of this title, knowing the same to be money or property which has been at any time delivered as such ransom or reward, shall be fined not more than $10,000 or imprisoned not more than ten years, or both."

EFFECTIVE: 07/11/85

| 7-1.3 |Deleted|

EFFECTIVE: 12/23/96

||7-1.4 Section 1204. International Parental Kidnaping Crime Act

"(a) Whoever removes a child from the United States or retains a child (who had been in the United States) outside the United States with intent to obstruct the lawful exercise of parental rights shall be fined under this title or imprisoned not more than three years, or both.

"(b) As used in this section---

"(1) the term 'child' means a person who has not attained the age of 16 years; and

"(2) the term 'parental rights,' with respect to a child, means the right to physical custody of the child---

"(A) whether joint or sole (and includes visiting rights); and

"(B) whether arising by operation of law, court order, or legally binding agreement of the parties.

"(c) It shall be an affirmative defense under this section that---

"(1) the defendant acted within the provisions of a valid court order granting the defendant legal custody or visitation rights and that order was obtained pursuant to the Uniform Child Custody Jurisdiction Act and was in effect at the time of the offense;

"(2) the defendant was fleeing an incidence or pattern of domestic violence;

"(3) the defendant had physical custody of the child pursuant to a court order granting legal custody or

visitation rights and failed to return the child as a result of circumstances beyond the defendant's control, and the defendant notified or made reasonable attempts to notify the other parent or lawful custodian of the child of such circumstances within 24 hours after the visitation period had expired and returned the child as soon as possible.

"(d) This section does not detract from The Hague Convention on the Civil Aspects of International Parental Child Abduction, done at The Hague on October 25, 1980."

EFFECTIVE: 11/09/94

7-1.4.1 Reference in the text of Title 18, U.S. Code, Section 1204

Sense of the Congress regarding Use of Procedures Under the Hague Convention - "It is the sense of the Congress that, inasmuch as use of the procedures under the Hague Convention on the Civil Aspects of International Parental Child Abduction has resulted in the return of many children, those procedures, in circumstances in which they are applicable, should be the option of first choice for a parent who seeks the return of a child who has been removed from the parent."

EFFECTIVE: 11/09/94

7-1.4.2 Hague Convention Signatories

(1) The United States signed the Convention in 1988 and implemented federal legislation under the International Child Abduction Remedies Act (Title 42, USC, 11601, 1988).

(2) At present, the Convention is in force in 37 countries which include: Argentina, Australia, Austria, the Bahamas, Belize, Bosnia-Hercegovina, Burkina Faso, Canada, Chile, Croatia (formerly Yugoslavia), Denmark, Ecuador, Finland, France, Germany, Greece, Honduras, Hungary, Ireland, Israel, Luxembourg, Macedonia, Mauritius, Mexico, Monaco, Netherlands, New Zealand, Norway, Panama,

Poland, Portugal, Romania, Spain, Sweden, Switzerland, the United Kingdom, and the United States.

EFFECTIVE: 11/09/94

7-1.4.3 Comments and Clarifications regarding the Hague Convention on the Civil Aspects of International Parental Child Abduction

Hague Convention Remedies

(1) The Hague Convention is an agreement among its signatories that, subject to certain limited exceptions and conditions, a child who is habitually resident in one country that is a party to the Convention and who is removed to or retained in another country that is a party to the Convention in breach of the left-behind parent's custody rights shall be promptly returned to the country of habitual residence. This creates a treaty obligation to return an abducted child under 16 years of age if application is made within one year from the date of the wrongful removal or retention.

(2) After one year, the court is still obligated to order the child returned unless the person resisting return demonstrates that the child is settled in the new environment. A court may refuse to order a child returned if there is a grave risk that the child would be exposed to physical or psychological harm or otherwise placed in an intolerable situation in his or her country of habitual residence. A court may also decline to return the child if the child objects to being returned and has reached an age and degree of maturity at which the court can take account of the child's views. Finally, the return of the child may be refused if the return would violate the fundamental principles of human rights and freedoms of the country where the child is being retained.

(3) Hague Convention remedies should be sought as soon as possible after an abduction or wrongful retention has taken place. In order to apply for the return of a child a parent must exercise a "right of custody" which includes "rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence." Each country that is a party to the Convention has designated a Central Authority to carry out specialized duties under the Convention. An application may be submitted either

to the U.S. Central Authority, (CCS) or directly to the Central Authority where the child is being held.

(4) Congress, in enacting this statute expressed the intent that nothing in the new IPKCA should be construed as superseding the "1980 Hague Convention on the Civil Aspects of International Child Abduction," and that the Hague Convention civil remedies are the procedures of choice in international parental kidnap matters.

EFFECTIVE: 11/09/94

7-1.4.4 Preliminary DOJ Policy on Reported Violations of the IPKCA

(1) The Department of Justice (DOJ) has stated that the Hague Convention, where applicable, should be the option of first choice for a parent who seeks the return of an abducted child from an extraterritorial location. This policy is based on the success of the Hague Convention and the belief that the existence of pending criminal charges against the abducting parent may adversely impact the willingness of foreign courts to order the return of the child.

(2) Even in situations where the abducted child is taken to a non-Hague Convention country, coordination through the Departments of Justice and State may provide a means to determine the child's welfare and whereabouts and effect the return of the abducted child.

(3) Based on the above, prior approval must be obtained by the local United States Attorney's office from the Criminal Division, DOJ, before the initiation of a prosecutive action (i.e., application for arrest warrant) to enforce the IPKCA.

EFFECTIVE: 11/09/94

7-2 VENUE

|(1)| Venue lies in any district from, through or into which the defendant transported the kidnaped person in interstate commerce. Generally, the field office covering the place of abduction is considered office of origin (OO).

|(2) If a Federal officer or employee is abducted outside the jurisdiction of any particular state or district, venue shall be in the district in which the offender or any one of two or more joint offenders is arrested or is first brought. When this occurs, the OO will be the field office covering the judicial district where prosecution is pursued.

(3) If such offender or offenders are not so arrested or brought into any district, an indictment for kidnaping may be filed in the district of the last known residence of the offender(s) or if no such residence is known, the indictment may be filed in the District of Columbia. Again, the OO would be the office where the indictment is filed.|

EFFECTIVE: 07/11/85

7-3 DEFINITIONS

(1) The term "United States" is defined in Title 18, USC, Section 5.

(2) The term "special maritime and territorial jurisdiction of the United States" is defined in Title 18, USC, Section 7. (See MIOG, Part II, 1-1.4.)

(3) The term "special aircraft jurisdiction of the United States" is defined in Title 49, USC, Section|46501.| (See MIOG, Part I, 164-3.)

(4) The term "parent" in Section 1201, does not include a person whose "parental rights" have been permanently terminated by a final court order. The Criminal Division, Department of Justice, advised that the term "parental rights" is generally defined in Title 18, USC, Section 1204, and the term "final court order" applies to the various procedural findings made by a state court.

EFFECTIVE: 12/23/96

7-4 COMMENTS AND CLARIFICATIONS REGARDING THE FEDERAL KIDNAPING STATUTE

EFFECTIVE: 07/11/85

7-4.1 Instituting Investigation

(1) Every report of a violation wherein circumstances indicate the person has or possibly has been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted, or carried away, though not accompanied by a demand for ransom, reward or otherwise, is to be afforded an immediate preliminary inquiry to determine if an investigation under the Federal Kidnaping Statute is warranted. There must be an evaluation of all the evidence, circumstances and information to determine whether the sum total indicates that a person may have been unlawfully seized, etc.

(2) All Special Agents should fully understand that all elements of the Federal Kidnaping Statute need not be present in order to institute a preliminary inquiry.

|(3) In instances when a Federal officer or employee designated in Title 18, USC, Section 1114, is abducted while the person is engaged in, or on account of, the performance of his or her official duties, a kidnaping investigation should be immediately instituted. It should be noted that the person kidnaped need not be transported in interstate or foreign commerce in order to meet the elements of Subsection (a) (5) of Title 18, USC, Section 1201.|

EFFECTIVE: 07/11/85

7-4.2 The Terms, "Seized," "Confined," "Inveigled," "Decoyed," "Kidnaped," "Abducted," and "Carried Away"

For the purposes of this section, the mention of one or more of the above terms includes all of the above terms through inference.

EFFECTIVE: 07/11/85

||7-4.3 The Clause "holds for ransom or reward or otherwise"

(1) Kidnapings are committed for reasons other than just ransom or reward. Among the many motivations for a kidnaping are sexual assault, abuse or exploitation; child stealing; romance; custodial or domestic disputes; religious or cult considerations; deprogramming; political considerations; narcotic involvements; retribution; and transportation in connection with other crimes. These additional motivations should be considered within the understanding of the term "otherwise."

(2) Simply, the kidnaping must be with intent to secure some benefit for the kidnaper.|

EFFECTIVE: 11/18/83

||7-4.4 24-Hour Presumptive Clause

(1) All Special Agents should be crystal clear in their understanding concerning what the 24-hour presumptive clause means and what it does not mean. The clause does not create a presumption of kidnaping, but only a presumption of interstate transportation after 24 hours in cases in which evidence exists that the victim has been unlawfully seized, confined, inveigled, decoyed, kidnaped, abducted or carried away.

(2) The fact that the law creates a rebuttable presumption of interstate transportation after 24 hours in cases where there is evidence of an abduction makes it obvious that, in order to make a sound determination, an immediate preliminary inquiry should be initiated (refer to 7-4.1). There will be instances, of course, where a clear-cut abduction exists and it is necessary to immediately institute an investigation under the Federal Kidnaping Statute without waiting for the lapse of 24 hours.|

EFFECTIVE: 11/18/83

7-4.5 Mysterious Disappearance of a Minor of Tender Years

(1) The mysterious disappearance of a minor, especially a minor of tender years, |under circumstances which suggest involuntariness, abduction, etc., is of special concern and should receive an immediate FBI response. A minor is defined under federal law as any individual less than 18 years of age. A "minor/child of tender years," is generally defined as less than 8 years of age. This age range is used because children of this age group generally have not established independence from parental control, and generally do not have the survival skills necessary to protect themselves from physical abuse and exploitation.|

(2) Historically, minors of tender years mysteriously disappear with no indicia of abduction. These disappearances occur while at their residences, while playing in their neighborhoods or at playgrounds, while on the way to and from school and at school, and while shopping with relatives or performing shopping errands for relatives. |(See (5) below.)|

(3) In many cases, these minors of tender years are later found to have been the victims of foul play or are never again seen.

(4) In these cases, considerations for instituting a preliminary inquiry should transcend indicia of abduction. Considerations should include the results of searches by local authorities, reports of suspicious persons and events, the child's past behavioral patterns, the child's capability to wander or run away from home and the circumstances surrounding the mysterious disappearance. |(See (5) below.)|

(5) For example, in the case of a three-month-old child mysteriously disappearing from a crib or shopping cart, or a seven year old mysteriously disappearing under circumstances listed in 7-4.5(2), and after exploring those considerations listed in 7-4.5(4), it may become necessary to institute a preliminary kidnaping inquiry based upon a logical inference of abduction.

(6) Preliminary inquiries instituted in these matters should be closely coordinated with the USA at the very onset inasmuch as a subsequent opinion regarding Bureau jurisdiction under the Federal Kidnaping Statute is likely to be sought. |Field offices should remain alert to the fact that FBI participation in these cases may also be offered or supported through the use of the Domestic Police Cooperation Investigation (62D classification), the National Center for the Analysis of Violent Crime (252 classification), FBI

forensic and Laboratory support, and other FBI classification and investigative resources.

EFFECTIVE: 11/09/94

7-4.6 Kidnaping of an Infant - Nontraditional Abduction

(1) As in the cases involving the mysterious disappearances of minors of tender years, abductions of an infant are usually not carried out with the usual motives of ransom, profit, sexual interaction, custody disputes, etc. The CID, FBIHQ, and the National Center for the Analysis of Violent Crime have closely studied infant abductions and have formulated a series of logical investigative steps.

(2) The following investigative steps are being furnished to assist field offices that institute kidnaping investigations wherein the victim is an infant. These suggested procedures are not all inclusive nor should they be construed as mandatory. They are being furnished to supplement the experience and knowledge of the case Agent.

(a) Determine if the motivation for the abduction is traditional (i.e., ransom, sexual exploitation) or if it appears to be a nontraditionally motivated abduction (the subject is a person who wants a child to have as his/her own).

(b) If it is a nontraditionally motivated abduction, conduct a thorough crime scene search and neighborhood investigation. This type of abduction frequently occurs in hospitals and the perpetrator may well have visited the scene prior to committing the abduction, i.e., asking questions about hospital schedules, procedures, etc.

(c) If the abduction occurred at a hospital, review the records of that hospital and nearby hospitals for recent infant deaths, miscarriages, and hysterectomies.

1. If the crime occurred at some location other than a hospital, hospitals in the vicinity of the scene of the abduction should be checked as outlined above.

2. It is suggested that these hospital checks

go back two years in time.

(d) [redacted] b2/b7E

(e) Be alert to unwitnessed home or early births when the woman or her partner is out of town at the time of birth.

(f) The strategy that has proven most effective in these cases is the cooperative involvement of the media. In this regard, it is imperative that the law enforcement agencies, as well as any other entities involved, including the victim's family/physician, speak with "one voice." There should be one and only one source of information for the media. If the wrong information is aired, the potential exists that the kidnaper will kill or "discard" the victim.

(3) The Behavioral Science Investigation Support Unit (BSISU) should be consulted prior to the release of any information to the media. BSISU will assist the field in conducting a coordinated media campaign.

Factors considered by the BSISU and the field office will be:

(a) Who is to address the media (family member, FBI, police, etc.)

(b) How much information should be released?

(c) Degree of family involvement

(d) What information should be held back so that media interest can be maintained?

(e) What language/terminology should be used?

(f) Minimization of the gravity of the act. This is done in an attempt to elicit information from the family and friends of the subject. This is essential; as in the majority of cases, the abductor does not voluntarily return the victim.

(4) In examining 30 infant abductions the following generalities were drawn:

(a) The perpetrator in each instance was a female,

except in one case where the subject was a homosexual.

(b) The ages of the subjects cluster in two groups: 16 to 21 years and 32 to 42 years. These groups approximate the beginning and end of childbearing years.

(c) The older subject may have a significantly older or younger male partner.

(d) The abduction is intraracial.

(e) Prior to the commission of the crime, the subjects displayed an excessive interest in other people's children.

(f) The female subjects felt that in order to maintain an existing relationship with their male partner, they must provide a child and further that they must "bear" a child. As a result, a significant number of female subjects feigned pregnancy. As the feigned pregnancy comes to term the subjects become desperate and need to produce a baby. It is at this point that the abduction occurs with the female subject claiming the victim as her new baby.

(g) In those instances where the subjects feigned a pregnancy, their male partners appeared to be very gullible and believed the victims were their own children.

(h) The use of a ruse by the subjects is common. In hospital abductions the subjects impersonated a nurse or hospital employee. When the abductions took place at a residence, the subjects would pretend to be seeking employment or asked to use the phone, etc. Although the subject's motivation in these cases is to obtain a child, Agents should treat them with caution as they have been known to resort to violence.

(5) Questions regarding nontraditionally motivated infant abductions should be directed to BSISU and CID.

EFFECTIVE: 02/20/90

7-4.7 Parental Kidnapping of His/Her Own Minor (See MIOG, Part I, 88-7.1.)

(1) As specifically set forth in Title 18, USC, Section 1201 (a), a parent cannot be prosecuted under the federal Kidnapping Statute for kidnapping his/her own minor. However, on 12/2/93, the International Parental Kidnaping Crime Act of 1993 was enacted into law; this legislation created a new section under Title 18, USC, Section 1204, which makes the kidnapping or abduction of a minor by a natural parent accompanied by removal or retention of the child outside the United States a federal violation.

(2) Section 1201(h) defines a "parent" and specifically EXCLUDES a person whose parental rights have been permanently terminated by a final court order. Reports of parental abductions wherein the abductor is an individual whose parental rights have been legally terminated should be promptly discussed with the United States Attorney, to determine if federal prosecution is warranted under Section 1201.

(3) In a custodial or domestic dispute where it is a known fact that one parent has taken his/her own minor against the wishes of the other parent, and the child remains within the United States, no kidnapping investigation should be initiated. However, upon receipt of such a complaint; reference should be made to Part I, Section 88, of this manual entitled "Unlawful Flight to Avoid Prosecution, Custody, Confinement and Giving Testimony," wherein procedures are set forth for unlawful flight to avoid prosecution assistance in interstate parental kidnapping cases.

(4) Instances of parental kidnap/abduction with the intent to deprive one parent of their parental rights and accompanied by removal and/or retention outside the United States should be addressed under Title 18, USC, Section 1204, and a kidnap investigation or preliminary inquiry initiated.

EFFECTIVE: 05/25/95

||7-4.8| Kidnaping of a Minor by a Relative Other Than a Natural Parent

The abduction of a minor by a relative other than a natural parent may constitute a violation of the Federal Kidnaping Statute and necessitates an immediate preliminary inquiry.

EFFECTIVE: 02/20/90

||7-4.9| Kidnaping by a Religious Cult

(1) An immediate preliminary inquiry is to be instituted regarding an allegation of a kidnaping or an unlawful confinement by a religious cult. Every effort should be made to locate and interview the victim. The interview should be conducted under conditions wherein candid responses on the part of the victim can reasonably be expected.

(2) Preliminary inquiries instituted in these matters should be closely coordinated with the USA at the very onset inasmuch as a subsequent opinion regarding Bureau jurisdiction under the Federal Kidnaping Statute is likely to be sought.

EFFECTIVE: 02/20/90

||7-4.10| Kidnaping for the Purpose of Deprogramming

(1) An immediate preliminary inquiry is to be instituted regarding an allegation that a parent has kidnaped his/her adult offspring from a religious cult or has accomplished same through an arrangement with a third party. Deprogramming and removing the offspring from the influence of the religious cult are usually the motivations for these incidents. Every effort should be made to locate and interview the victim. The interview should be conducted under conditions wherein candid responses on the part of the victim can reasonably be expected.

(2) Preliminary inquiries instituted in these matters should be closely coordinated with the USA at the very onset inasmuch as a subsequent opinion regarding Bureau jurisdiction under the Federal Kidnaping Statute is likely to be sought.

EFFECTIVE: 02/20/90

||7-4.11| Kidnaping of a Foreign Official, Official Guest or Internationally Protected Person

As referred to in Title 18, USC, Section 1201(a)(4), Title 18, USC, Section 116, entitled "Murder or Manslaughter of Foreign Officials, Official Guests, or Internationally Protected Persons," is addressed in its entirety in Part I, Section 185 of this manual entitled "Protection of Foreign Officials and Official Guests of the United States."

EFFECTIVE: 02/20/90

||7-4.12| Proposed Kidnaping

An immediate preliminary inquiry is to be instituted regarding a proposed kidnaping. Immediate contact should be established with the intended victim, who should be advised of the plot and requested to maintain close contact with the field office. The Bureau will not provide bodyguards nor similar security for an intended victim; however, the field office should take every precautionary measure in order to be fully capable of handling the violation in the event the proposed scheme materializes.

EFFECTIVE: 02/20/90

||7-4.13| Hoax-Type Kidnaping

When FBI investigative effort has been expended in a matter determined to be a "hoax-type" kidnaping, the facts regarding same should be presented to the USA for a prosecutive opinion under Title 18, USC, Section 1001 (Fraud and False Statements).

EFFECTIVE: 02/20/90

7-4.14 Missing Person

(1) In a report of a missing person wherein it is known that no indication of an abduction or possible abduction exists, the FBI has no jurisdiction for investigation under the Federal Kidnaping Statute. However, subsequent information indicating that the person is or is possibly being held for ransom, reward or otherwise establishes indicia of abduction and necessitates a preliminary inquiry under the Federal Kidnaping Statute.

(2) In a strictly missing person matter, the local authorities should be offered Bureau assistance under the domestic police cooperation guidelines (Part I, Section 62 of this manual); under the "Missing Children Act," Title 28, USC, Section 534 (NCIC Operating Manual, Part 8, entitled "Missing Person File"); and through the cooperative services of the Bureau's |Criminal Justice Information Services| and Laboratory Divisions. |In cases where a minor, especially a minor of tender years, has disappeared and is reported missing with no indication of an abduction or voluntariness, consideration for instituting a preliminary inquiry must be similarly exercised because the minor may be particularly vulnerable and FBI participation and/or assistance to local authorities can be critical. These incidents should be closely coordinated with local authorities and the United States Attorney's office.|

EFFECTIVE: 11/09/94

||7-4.15| Potential Hobbs Act, Extortion and Interstate Transportation of Stolen Property Violations

A violation of the Federal Kidnaping Statute may also involve Hobbs Act, Extortion and/or Interstate Transportation of Stolen Property violations. In the event subsequent facts are developed indicating there is no violation of the Federal Kidnaping Statute, FBI investigative jurisdiction under these additional violations should still be considered.

EFFECTIVE: 02/20/90

||7-4.16| Bondsmen

Transportation of a "bond jumper" by a bondsman in interstate commerce does not constitute a violation of Title 18, USC, Section 1201. The American bondsman has the common law right to arrest and transport a "bond jumper" in interstate commerce for the purpose of surrendering him/her to the proper authorities for appearance before the court allowing the bond. This right to arrest is codified in Title 18, USC, Section 3142; however, individual states may regulate bondsmen. The transportation of a "bond jumper" by a foreign bondsman out of the United States would constitute an encroachment upon the sovereignty of the United States and may be reached by Title 18, USC, Section 1201. Encroachments upon other sovereign actions by United States bondsmen may be precluded, similarly.

EFFECTIVE: 02/20/90

7-5 CLARIFICATION REGARDING AN INVESTIGATION AS OPPOSED TO A PRELIMINARY INQUIRY

(1) The "Attorney General's Guidelines on Criminal Investigations of Individuals and Organizations," dated 12/2/80, addresses when an investigation can properly be opened, how an investigation should be conducted and when an investigation should be terminated. |(See MIOG, Part I, 7-6(2).)|

(2) By "Memorandum to All Special Agents," entitled "The Attorney General's Guidelines on Criminal Investigations of Individuals and Organizations," dated 12/30/80, the distinctions between conducting an investigation as opposed to a preliminary inquiry were clarified as follows.

"An investigation may only be instituted when there are facts or circumstances that 'reasonably indicate' a Federal criminal violation has occurred, is occurring, or will occur. This standard of 'reasonable indication' is substantially lower than probable cause, but does require specific facts or circumstances indicating a violation. Where the factual basis for an investigation does not yet exist, but some action appears to be necessary in regard to an allegation concerning a possible Federal criminal violation or activity, these Guidelines permit the limited procedure of conducting a 'preliminary inquiry.'

"A 'preliminary inquiry' should be conducted solely to obtain the information necessary to make an informed judgment as to whether an investigation is warranted... Once a 'reasonable indication' of criminal activity has been developed during a 'preliminary inquiry,' an investigation may be instituted. When a 'preliminary inquiry' fails to disclose a 'reasonable indication' of criminal activity to justify an investigation, the 'preliminary inquiry' should be terminated."

(3) By airtel dated 3/17/83, entitled "Attorney General's Guidelines for the Conduct of Domestic Security/Terrorism Investigations..." all field offices and Legal Attaches were furnished a copy of the Attorney General's revised Guidelines which became effective 3/21/83. Although the revised Guidelines focus on Domestic Security/Terrorism investigations, they also contain minor modifications to those portions of the Attorney General's Guidelines governing General Crimes investigations. Preliminary inquiries, for example, were extended from 60 to 90 days. Refer to the Bureau airtel dated 3/17/83 cited above for additional details regarding other modifications applicable to General Crimes investigations. |(See MIOG, Introduction, 1-3.)|

(4) In a preliminary inquiry, mere contact with local authorities will not suffice to make an informed judgment as to whether a kidnaping investigation is warranted. To reach an informed judgment will require active investigation including interviews with knowledgeable police officials and family members, and possibly the setting of auxiliary office investigative leads, crime scene searches, ||Laboratory Division's|assistance, and the application of appropriate investigative techniques permitted under the Attorney General's Guidelines.

EFFECTIVE: 09/24/93

7-6 DEPARTMENTAL INSTRUCTIONS REGARDING QUESTIONABLE CASES

(1) The Criminal Division, DOJ, has in effect a policy whereby it closely reviews any decision by the Bureau not to conduct an investigation in those missing person cases wherein the facts indicate possible violations of the Federal Kidnaping Statute. Under this policy, the Bureau is expected to refer information concerning questionable missing person cases to the DOJ for review. USAs who become aware of a missing person case in their district, which may involve a kidnaping, have been instructed by the DOJ to ensure that such information is brought to its attention. Refer to the "United States Attorneys' Manual," Title 9, "Criminal Division," chapter 60, page four, dated 5/23/78, for full details.

(2) Bureau guidelines for instituting a preliminary inquiry and an investigation (refer to 7-4.1 and 7-5) address the Bureau's initial involvement in questionable cases.

(3) Although close coordination with the USA is recommended throughout all kidnaping matters, it is especially important in questionable cases.

(4) In the event a case remains questionable at the completion of the preliminary inquiry, the case should be discussed with the USA for an opinion regarding Bureau jurisdiction under the Federal Kidnaping Statute.

(5) In the event the questionable character of the case is not resolved through discussion with the USA, the OO should refer the matter through FBIHQ for a DOJ review.

(6) Each field office should ensure that cases are not presented to the USA prematurely since the development of sufficient facts to enable the USA to render a prosecutive opinion is a Bureau responsibility.

EFFECTIVE: 11/18/83

7-7 INVESTIGATIVE POLICY

Every kidnaping preliminary inquiry and investigation should be afforded priority attention and be allocated those resources necessary for its resolution.

EFFECTIVE: 11/18/83

||7-8 INVESTIGATIVE OBJECTIVES

(1) The Bureau's primary objective is to effect the safe return of the kidnaped victim.

(2) The secondary objectives are the identification, apprehension and prosecution of the subject(s) and the recovery of any ransom payment.|

EFFECTIVE: 11/18/83

||7-9 OBTAINING FEDERAL PROCESS

Federal process should be obtained as soon as possible after the subject is identified and it is determined that the subject will be prosecuted federally.|

EFFECTIVE: 11/18/83

7-10 REPORTING PROCEDURES

EFFECTIVE: 11/18/83

7-10.1 Initial Notifications

(1) Immediately advise FBIHQ by telephone or teletype, depending upon the exigency of the circumstances, of every preliminary inquiry and investigation instituted under the Federal Kidnaping Statute. The initial teletype should be comprehensive, setting forth when and how the field office was first notified, full descriptive data regarding the victim, the identity and descriptive data of any subject or suspect, full details of the abduction or possible abduction including any known or suspected motive, the results of investigation by local authorities, action planned by local authorities, the results of the field office's investigation, action planned by the field office, any existent USA opinion, and a statement

as to whether the field office is instituting a preliminary inquiry or an investigation.

(2) Surrounding field offices and any other field office deemed appropriate should be included as recipients of the initial teletype to FBIHQ.

(3) A Kidnaping Offense Report, FD-705, should be submitted to FBIHQ by the office of origin within 21 calendar days after the initial kidnaping report is received. This submission should include a brief narrative of the kidnaping attached to the FD-705. |(See MIOG, Part I, 7-10.5(2).)|

(4) A supplemental report, Part II of the FD-705, should be submitted by the office of origin within 21 calendar days after one or more of the following developments occur: |(See MIOG, Part I, 7-10.5(2).)|

(a) Ransom demanded.

(b) Subject(s) identified and Federal/state process initiated.

(c) Victim located.

(d) Deleted

(5) The FD-705 should be submitted to FBIHQ immediately upon the closing of a kidnaping investigation. |(See MIOG, Part I, 7-10.5(2).)|

|(6) In cases initiated under the International Parental Kidnaping Crime Act of 1993 (IPKCA), the Violent Crimes and Major Offenders Section and the International Relations Branch, CID, FBIHQ, will both be promptly notified, by teletype or appropriate communication, to ensure that FBI investigations impacting on foreign countries are properly vetted through FBIHQ, FBI Legats, DOJ - Office of International Affairs, and the Department of State.

(7) Form FD-705, the Kidnaping Offense Form, should not be submitted for matters investigated under the IPKCA as this form is not relevant to incidents of parental abduction.|

EFFECTIVE: 11/09/94

7-10.2 Notifications Regarding Subsequent Significant Developments

FBIHQ and other field offices deemed appropriate should be kept apprised of subsequent significant developments.

EFFECTIVE: 02/20/90

7-10.3 Submission of LHMs in a "Kidnaping by a Religious Cult,"|7-4.9,| and a "Kidnaping for the Purpose of Deprogramming,"|7-4.10|

(1) The DOJ has expressed its desire to assess the magnitude of these matters and to be responsive to the concerns of certain citizens and religious organizations regarding allegations of "brainwashing" by religious cults and deprogramming abductions.

(2) Therefore, in addition to the reporting procedure set forth in 7-10.1, a succinct LHM (original and four copies) should be submitted to FBIHQ by airtel within 20 working days of receipt of the initial complaint. Any existent USA opinion should be reflected therein.

(3) Upon receipt of the LHM, FBIHQ will disseminate same to the Criminal Division, DOJ.

EFFECTIVE: 02/20/90

7-10.4 Prosecutive Reports

In those instances wherein a prosecutive report is prepared, normally only one copy of the report should be designated for FBIHQ. For details regarding report writing, refer to the MAOP, Part II, 10-14, entitled "Types of Reports," and 10-15, entitled "Prosecutive Report."

EFFECTIVE: 02/20/90

7-10.5 Notification to FBIHQ Regarding Final Outcome

In order that the FBIHQ substantive case file may reflect the final outcome of each violation; the following FBIHQ notification policy should be adhered to by the office of origin.

(1) |Ensure all appropriate statistical accomplishments have been submitted by FD-515.

(2) |In cases in which a USA declines or defers prosecution or in cases determined not to be a violation of the Federal Kidnaping Statute, a closing communication should be directed to FBIHQ clearly setting forth the basis for closing. This closing communication does not eliminate the requirement for submission of the final FD-705. See 7-10.1(3), (4) and (5).|

EFFECTIVE: 10/26/87

7-11 STATE PROSECUTION

(1) FBIHQ desires that the results of state prosecution be followed in kidnaping cases even though Federal prosecution has been completed, declined or deferred by the USA.

(2) In those instances wherein Federal prosecution was declined or deferred, if the defendant or defendants in the state prosecution are acquitted or received a comparatively light sentence, a valid reason exists for again presenting the case to the USA, looking toward Federal prosecution.

EFFECTIVE: 02/20/90

7-12 CONTINGENCY PLANNING

FBIHQ does not consider it feasible to develop a single kidnaping response and subsequent investigative plan which would be applicable to every field office. Therefore, each field office is responsible for the development and maintenance of a kidnaping operations plan which will meet its needs, while still fulfilling the FBI's investigative responsibilities.

EFFECTIVE: 02/20/90

7-13 FBI INTERACTION WITH PARENTS, GUARDIANS AND FAMILY MEMBERS OF KIDNAP VICTIMS

(1) The Bureau must continually demonstrate the utmost concern for and empathy with the emotional trauma which a victim's parents, guardians or family members undergo. All situations must be addressed in an entirely professional manner consistent with the Bureau's role as a public servant.

(2) Parents, guardians or family members, unless determinable and articulable facts preclude doing so, should be kept advised of those investigative developments which can be disseminated without jeopardizing the integrity of the investigation.

(3) While the Bureau is bound to the prohibition against divulging pending case matters to the public, attention is drawn to the special concern of an identified parent, guardian or family member and the due regard for same which the Bureau should exhibit.

|(4)Every SAC, through the Victim-Witness Coordinator (VWC), is charged with the responsibility to ensure that all provisions of the Victim and Witness Protection Act of 1982 are met, as well as the Victims' Rights Statutes contained in the Crime Control Act of 1990. The VWC should be apprised of kidnap/child abduction incidents, as appropriate, so that referrals and services available to victims and their families are determined and readily accessible.|

EFFECTIVE: 11/09/94

7-14 INVESTIGATIVE CONSIDERATIONS

Due to the variance of circumstances in kidnaping investigations, the investigative considerations set forth herein are not to be considered all inclusive but should serve only as a general guide in conducting kidnaping investigations. In the event an abduction of an infant has taken place, refer to 7-4.6.

EFFECTIVE: 02/20/90

7-14.1 Initial Report of a Kidnaping

(1) The name, address, telephone number and current location of the individual reporting the kidnaping should be obtained.

(2) The complete name and full descriptive information of the victim should be obtained.

(3) In cases involving the abduction/mysterious disappearance of a minor, field offices should not rely solely upon reports or referrals from local law enforcement, but should also remain alert to possible violations identified through the victim(s), witnesses, and media reports. The field office should be prepared to address these incidents either through a full kidnaping investigation or the use of the preliminary inquiry, whichever is most appropriate at the time of the report.

EFFECTIVE: 11/09/94

7-14.2 Residence Coverage

(1) [redacted]

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(11) [redacted]

(12) [redacted]

(13) [redacted]

(14) [redacted]

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EFFECTIVE: 11/18/83

7-14.3 Interviews of Family Members

(1) One Special Agent should be designated in charge of interacting with the victim's family. Whenever possible, this Special Agent should deal directly with a single family spokesperson to avoid conflict with other family members.

(2) The character, extent and nature of inquiries which are pursued should be in accordance with the instructions of the Special Agent in charge. All ideas which originate with family members should be noted and referred to the Special Agent in charge.

(3) Family members must be repeatedly and almost constantly interviewed in a conversational manner. The interviews should cover all matters pertinent to the investigation and be structured as to facilitate staying abreast of the family's thinking. It is imperative that Special Agents assigned to family interviews be consistent in their expressions in order that all problems might be addressed without contradiction.

(4) Questions propounded to family members and responses thereto should be noted to avoid repetition.

(5) Special Agents should be frank and responsive at all times with regard to the questions and problems posed by the family members. However, unnecessary information should not be volunteered. Impressions of mystery and evasiveness should be avoided.

(6) Efforts should be made to obtain the following during the course of the family member interviews:

(a) Current photograph of the victim.

(b) Description of the victim's wearing apparel at the time of kidnaping.

(c) Listing of personal belongings in possession of the victim at the time of kidnaping.

(d) Victim's complete physical description.

(e) Complete background data of the victim.

(f) Victim's hair specimens.

(g) Victim's fingerprints.

(h) Identities of the family physician, dentist and church official (if appropriate) and the means for locating them at any time.

(i) Availability of the victim's medical and dental history.

(j) Identities of family friends and associates.

(k) Identities of all individuals who have been notified or have knowledge of the kidnaping for the purpose of cautioning them against divulging knowledge of the kidnaping.

(l) Identities of servants and service personnel.

(m) Activities of the victim and family prior to the kidnaping.

(n) Normal activities and itineraries of the family.

(o) Family's financial status.

(p) Family's insurance coverage.

(q) Possible suspects.

(7) The family should be cautioned regarding undesired disclosure of the situation to the news media.

(8) News media inquiries with the family should be handled by the most stable family member available or referred to a predesignated family spokesperson fully aware of all aspects of the situation.

(9) The family should be encouraged to coordinate all news media responses with the Bureau.

EFFECTIVE: 11/18/83

7-14.4 [redacted]

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[redacted]

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EFFECTIVE: 11/18/83

7-14.5 Ransom Demands

(1) When a kidnaping has received news media attention, it is not uncommon for an individual not involved in the kidnaping to attempt to extort a ransom from the victim's family.

(2) All ransom demands should be accepted as emanating from the kidnaper until investigation indicates otherwise.

(3) Ransom demands conveyed by an opportunist may constitute Federal Extortion or Hobbs Act violations or violations of applicable state laws.

EFFECTIVE: 11/18/83

7-14.6 Ransom Payment and Coverage

(1) The decision whether or not to comply with the ransom demand is that of the victim's family.

(2) The most important consideration relative to ransom payment is the safety of the victim. The degree of danger will vary from case to case and must be assessed accordingly.

(3) The pros and cons of any action in this regard should be frankly discussed with the family.

(4) [redacted]

(5) [redacted]

(6) [redacted]

(7) [redacted]

(8) [redacted]

(9) [redacted]

(10) [redacted] The safe return of the victim is the FBI's primary objective, and, until the victim is released, the apprehension of the kidnaper and the recovery of the

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ransom are secondary objectives.

(11) [redacted]

(12) [redacted]

(13) [redacted]

(14) [redacted]

(15) [redacted]

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(16) Sufficient personnel and all necessary equipment and supplies should be made available for immediate use.

EFFECTIVE: 11/18/83

7-14.7 The National Crime Information Center's (NCIC) Missing Person File

The OO should immediately enter the victim's identity in the NCIC's Missing Person File under the involuntary category. Refer to the NCIC Operating Manual, Part 8, entitled "Missing Person File," for detailed information.

EFFECTIVE: 11/18/83

7-14.8 The |Criminal Justice Information Services| Division's |(formerly Identification Division)| Missing Person File

(1) The OO should immediately determine the existence of a fingerprint card for the victim.

(2) A victim's fingerprint card already on file with the |Criminal Justice Information Services| Division should be entered in the |Criminal Justice Information Services| Division's Missing Person File.

(3) A victim's fingerprint card not on file with the |Criminal Justice Information Services| Division should be submitted to that division for entry in the Missing Person File.

(4) Refer to Part II, 14-10.3, of this manual entitled "Missing Person Fingerprint File," for detailed information.

EFFECTIVE: 04/08/96

7-14.9 Scientific Aids

(1) [redacted]

(a) [redacted]

(b) [redacted]

b2 b7E

(2) Deleted

(3) [redacted]

b2|b7E

(4) The polygraph technique should be used in strict compliance with Part II, 13-22, of this manual entitled "Polygraph Examinations."

EFFECTIVE: 07/17/95

7-14.10 Circular Letters

(1) On a selective basis, it may be desirable to circularize state, county, and city law enforcement agencies by circular letter in an effort to recover the kidnaped victim and identify or locate the subject.

(2) The utilization of this technique may prove especially beneficial in those instances wherein the victim is a minor of tender years and investigation indicates the motive for kidnaping to be child stealing rather than ransom or reward.

(3) In considering the desirability of the issuance of a circular letter, it should be determined whether local law enforcement agencies have already issued or intend to issue a similar type bulletin. In any event, close coordination with the local law enforcement agencies having jurisdictional interest in the investigation should be effected to preclude a duplication of effort.

(4) The SAC may authorize the issuance of a circular letter within the field office's territory.

(5) Circularization in contiguous field offices may be authorized by the SAC on a UACB basis.

(a) An airtel should be directed to FBIHQ requesting this additional circularization on a UACB basis and must include sufficient facts and justification to enable FBIHQ to properly

evaluate the additional circularization.

(b) Contiguous offices must be included as recipients of the airtel with leads set forth requesting the desired circularization.

(c) The airtel should enclose three copies of the proposed circular letter for FBIHQ to assist in the evaluation, with sufficient copies enclosed for contiguous offices to accomplish the desired circularization.

(6) In all instances, the circular letter must include the following:

(a) A brief and concise narrative of the kidnaping.

(b) A recent photograph of the victim and the victim's physical description.

(c) The subject's physical description and, if available, a photograph or artist's conception of the subject.

(d) A caution statement regarding the subject and a statement that no action should be taken which would endanger the kidnaped victim.

(e) A statement that if any positive information is developed, immediately contact the local office of the FBI, the telephone number of which should be set forth on the inside, front cover of a local telephone directory.

(7) Circularization beyond contiguous offices requires prior FBIHQ approval in accordance with existing instructions governing circular letters.

(8) Refer to Part II, 21-24, of this manual entitled "Circular Letters," for detailed information.

(9) The OO must ensure that the necessary administrative controls are initiated by which to cancel the circular letter when it is no longer needed.

EFFECTIVE: 11/18/83

7-14.11 Public Appeal Through Local News Media

(1) On a highly selective basis, it may be desirable to issue a public appeal through local news media for the safe return of a kidnaped victim and/or for information concerning the whereabouts of the victim.

(2) The utilization of this technique may prove especially beneficial in those instances wherein the victim is a minor of tender years and investigation indicates the motive for kidnaping to be child stealing rather than ransom or reward.

(3) Paramount in considering the desirability of this technique is whether any reason exists to believe that public appeal will result in the victim being harmed by the subject.

(4) The SAC may authorize the issuance of a public appeal through local news media, but only with the written consent of the victim's parents, guardians or appropriate next of kin.

(5) FBIHQ must be notified by teletype prior to any issuance of a public appeal in this regard in order to appropriately respond to news media inquiries.

(6) A public appeal through local news media should be conducted by the SAC or his/her designate.

(7) Unless reasons preclude inclusion, the public appeal through local news media for the safe return of a kidnaped victim and/or for information concerning the whereabouts of the victim should include that information set forth in 7-14.10(6).

(8) All public appeals in this regard should be in strict accordance with the instructions set forth in the MAOP, Part II, 5-1, entitled "Policy and Guidelines for Relations with News Media," and 5-2, entitled "Contacts with News Media."

EFFECTIVE: 11/18/83

7-14.12 Crime Scene Examination

It is imperative that all crime scenes be thoroughly examined and that all items of evidentiary value be preserved. Refer to Part II 13-6.4, of this manual entitled "Crime Scene Search," and Section 15, entitled "Latent Fingerprint Identification," for detailed information.

EFFECTIVE: 10/23/86

7-14.13 Proposed Kidnaping

(1) The intended victim should be interviewed for a detailed listing of all suspects, together with other pertinent information which would not be available in the event the intended victim is actually kidnaped.

(2) Handwriting examples, fingerprints, major case prints and photographs of the intended victim should be obtained.

EFFECTIVE: 10/23/86

7-14.14 Advising Local Law Enforcement Authorities

(1) Unless conclusive reasons preclude doing so, local law enforcement authorities should be advised of the kidnaping or proposed kidnaping inasmuch as they may already be or may become involved in the investigation independent of the Bureau.

(2) Establishing and maintaining effective liaison with local law enforcement authorities during the course of a preliminary inquiry or an investigation are equally important for it may be determined that no violation of the Federal Kidnaping Statute exists and that the violation is strictly local in nature.

EFFECTIVE: 10/23/86

7-14.15 General Guidelines for International Parental Kidnaping Crime Act Investigations

(1) Expeditiously identify the known or suspected foreign location of the abducting parent and child and promptly coordinate with the United States Attorney (USA). The USA will make a determination as to willingness to extradite and will coordinate any requests through DOJ-Office of International Affairs.

(2) Appropriate "Stops" should be in place in the event that the fugitive flees the United Sates or attempts re-entry while a fugitive. These stops should include NCIC entry and modifications; the Form FD-315 (INS Lookout Notice for a foreign national who is the subject of an FBI fugitive investigation); and requests for the appropriate INTERPOL "Red Notice" or "Blue Notice," through FBIHQ.

(3) The abducting parent and child may be travelling extraterritorially on U.S. passports. The passport numbers should be identified and a request made of the Department of State (DOS) to have the passport revoked or a "lookout" placed. The existence of a felony warrant or a fugitive warrant for a felony (UFAP) is a ground for revocation of the passport. Note that the passport revocation process requires DOS notification to the passport holder(s).

(4) FBI employees have no authority to request foreign officials to arrest, detain or extradite a fugitive. FBI personnel should not make direct contact with foreign law enforcement in pursuit of a fugitive, but should leave such contacts to the Department of Justice - Office of International Affairs (DOJ-OIA), appropriate FBI Legats, or INTERPOL-United States National Central Bureau (USNCB).

(5) Issues related to the citizenship of the abducting parent and victim child, existence of an extradition treaty in force, applicability of the fugitive warrant and related charges within the details of the relevant treaty, the Hague Convention, etc., are matters which must be reviewed prior to the issuance of an extradition, provisional arrest, or repatriation request. At a minimum, the field office should establish the citizenship status of the abducting parent and child.

(6) FBI Legats at the known/suspected foreign location should be provided with details of the IPKCA investigation as early as possible. The notification should be by LHM, with cover airtel, setting forth details of the investigation, or by teletype suitable for dissemination. The Legat should not be requested to seek active

investigation by the foreign law enforcement agency without previous discussions with DOJ-OIA. Preliminary leads should be for the purpose of verifying the abducting parent's and child's locations, citizenship, etc., through passive means in the foreign country. An LHM and cover airtel should be prepared and forwarded to FBIHQ for dissemination to INTERPOL for leads in those foreign countries where there is no FBI Legat coverage.

(7) The USA should be prepared to provide all documentation required in support of the extradition, provisional arrest, or repatriation request. This will include a variety of documents, affidavits, depositions, etc., which must be translated, certified, and transmitted to the diplomatic representative of the foreign county.

(8) FBI field offices and Legats should not routinely accept or solicit transportation/escort responsibility for the fugitive parent or victim child. Investigative or other circumstances may exist where the FBI appropriately seeks this responsibility and these should be coordinated through the substantive FBIHQ Unit and DOJ-OIA.

(9) Field offices are requested to identify the extraterritorial location of the abducting parent/child in their investigative files. Form FD-65 may be utilized for this purpose by utilizing the "Miscellaneous" block in the form, stating "Known (or suspected) to be located in (country)" in the block. This will facilitate the tracking of subjects in the databases maintained by FBIHQ.

(10) Field offices must maintain NCIC entries on extraterritorial fugitives until the fugitive is returned to the United States for prosecution. No "Clear/Cancel" or "locates" are to be placed against the NCIC record until the subject is in federal custody in the United States regardless of whether the substantive case is in pending or pending-inactive status.

(11) If the abducted child is suspected to be in a Hague Convention country, the custodial parent should be advised that assistance can be obtained through contact with the Child Custody Division, Office of Citizens Consular Services (CCS), Room 4817, U.S. Department of State (DOS), 2201 C Street, N.W., Washington, D.C. 20520-4818, Telephone Number 202-736-7000.

(12) Even in situations when the abducted child is taken to a non-Hague Convention country, the DOS may be able to initiate

efforts to locate the abducted child, inquire as to the child's welfare, and possibly open communications to effect a return of the child. This action should be closely coordinated with the affected Legat.

EFFECTIVE: 11/09/94

7-15 RANSOM MONEY

EFFECTIVE: 10/23/86

7-15.1 [redacted]

(a) [redacted]

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

7 Page(s) withheld entirely at this location in the file. One or more of the following statements, where in explain this deletion.

☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available f release to you.

Section 552		Section 552a
☐ (b)(1)	☐ (b)(7)(A)	☐ (d)(5)
☒ (b)(2)	☐ (b)(7)(B)	☐ (j)(2)
☐ (b)(3)	☐ (b)(7)(C)	☐ (k)(1)
_____	☐ (b)(7)(D)	☐ (k)(2)
_____	☒ (b)(7)(E)	☐ (k)(3)
_____	☐ (b)(7)(F)	☐ (k)(4)
☐ (b)(4)	☐ (b)(8)	☐ (k)(5)
☐ (b)(5)	☐ (b)(9)	☐ (k)(6)
☐ (b)(6)		☐ (k)(7)

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MTOG Manual 7-15.1 pages 7-43 and 7-44; 7-15.2 page 7-45; 7-15.3 pages 7-45 and 7-46
7-15.4 pages 7-47, 7-48, and 7-49

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7-15.5 [redacted]

(1) [redacted]

(2) [redacted]

(3) Circularization in contiguous field offices may be authorized by the SAC on a UACB basis.

(a) An airtel should be directed to FBIHQ requesting this additional circularization on a UACB basis and must include sufficient facts and justification to enable FBIHQ to properly evaluate the additional circularization.

(b) Contiguous offices must be included as recipients of the airtel with leads set forth requesting the desired circularization.

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(c) The airtel should enclose three copies of the proposed circular letter for FBIHQ to assist in the evaluation, with sufficient copies enclosed for contiguous offices to accomplish the desired circularization.

(4) In all instances, the circular letter must include the following:

(a) A brief and concise narrative of the kidnaping [redacted]

(b) [redacted]

(c) The subject's physical description and, if available, a photograph or artist's conception of the subject.

(d) [redacted]

(e) A caution statement regarding the subject and a statement that no action should be taken which would endanger anyone's safety.

(f) A statement that if any positive information is developed, immediately contact the local office of the FBI, the telephone number of which should be set forth on the inside, front cover of a local telephone directory.

(5) Circularization beyond contiguous offices requires prior FBIHQ approval in accordance with existing instructions governing circular letters.

(6) Refer to Part II, 21-24, of this manual entitled "Circular Letters," for detailed information.

(7) The OO must ensure that the necessary administrative controls are initiated by which to cancel the circular letter when it is no longer needed.

EFFECTIVE: 10/23/86

7-15.6 [redacted]

(1) [redacted]

(2) [redacted]

(3) [redacted]

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EFFECTIVE: 10/23/86

| 7-16 |DELETED - SEE MIOG, PART II, SECTION 32.|

EFFECTIVE: 10/07/93

7-17 LIAISON WITH LOCAL LAW ENFORCEMENT AUTHORITIES

(1) It is incumbent upon each field division to ensure that local law enforcement authorities fully understand the Bureau's jurisdiction and national policy for instituting a preliminary inquiry and an investigation under the Federal Kidnaping Statute.

(2) It is also incumbent upon each field division to ensure that local law enforcement authorities fully understand Bureau assistance available under the domestic police cooperation guidelines (Part I, Section 62 of this manual); under the "Missing Children Act" (Title 28, USC, Section 534) (NCIC Operating Manual, Part 8, entitled "Missing Person File"); and through the cooperative services of the Bureau's Identification, Laboratory and Training Divisions in those cases wherein it is determined that no violation of the Federal Kidnaping Statute exists.

(3) Liaison with local law enforcement authorities should be established and maintained to ensure that violations and possible violations of the Federal Kidnaping Statute will be promptly reported to FBI field divisions or resident agencies in the event an offense is initially received by those authorities.

EFFECTIVE: 10/23/86

7-18 NEWS MEDIA INQUIRIES POLICY

(1) In many cases, violations of the Federal Kidnaping Statute generate intense public and media interest. The FBI's news media inquiries policy is in strict compliance with instructions issued by the DOJ concerning the release of information in criminal and civil matters. These instructions are contained in Title 28, CFR, Section 50.2.

(2) For complete details regarding this topic, including a restatement of the above CFR instructions, refer to the MAOP, Part II, 5-1, entitled "Policy and Guidelines for Relations with News Media," and 5-2, entitled "Contacts with News Media."

(3) Utmost discretion should be exercised in releasing to

the news media any information concerning a kidnaping investigation in order not to jeopardize the safety of the victim.

EFFECTIVE: 10/23/86

7-19 CHARACTER AND CLASSIFICATION - KIDNAPPING (See MIOG, Introduction, 2-1.6.4; MAOP, Part II, 3-1.1 & 3-1.2.)

(1) Investigations of violations of the Kidnapping statutes, Sections 1201 and 1202, will be conducted under the 7A classification.

(2) Investigations of violations of the IPKCA, section 1204, will be conducted under the 7B classification. IPKCA cases should be captioned as follows:

JOHN DOE;
MARY DOE (name of abducted child) - VICTIM;
KIDNAPPING - INTERNATIONAL PARENTAL KIDNAPING CRIME ACT (IPKCA);
OO: XX

EFFECTIVE: 10/18/95

7-20 |DELETED|

EFFECTIVE: 11/09/94

7-21 HOSTAGE TAKING

Refer to MIOG, Part I, Section 256, for proper handling.

EFFECTIVE: 08/22/89

SECTION 8. MIGRATORY BIRD ACT

8-1 STATUTES

Title 18, USC, Section 43

Title 16, USC, Sections 703 through 718

EFFECTIVE: 01/31/78

8-1.1 Investigative Jurisdiction

Primary jurisdiction regarding migratory game, fish, and birds lies with Fish and Wildlife Service of Department of Interior.

EFFECTIVE: 01/31/78

8-2 ELEMENTS

For details see USC at:

(1) Title 18 (Crimes and Criminal Procedure)

(2) Title 16 (Conservation)

EFFECTIVE: 01/31/78

8-3 POLICY

(1) Allegations of violations submitted by closing prosecutive report to FBIHQ

(a) FBIHQ refers matters to Department of Justice

(b) Department of Justice will either request FBI investigation or refer matter to Department of Interior.

(2) Investigation conducted only upon authority from FBIHQ.

(3) No reports submitted for purposes of recording criminal convictions as statistics, unless FBI conducted investigation.

EFFECTIVE: 01/31/78

8-4 PENALTIES

Refer to citations listed in 8-2 above.

EFFECTIVE: 01/31/78

8-5 CHARACTER - MIGRATORY BIRD ACT

EFFECTIVE: 01/31/78

SECTION 9. EXTORTION

9-1 BACKGROUND |(See MIOG, Part I, 7-4.14, 89-2.7, 89-3.6, 89-3.9, 175-6, 251-5, 251-10.)|

(1) The Extortion Statute was passed by Congress on July 8, 1932, and originally was embodied in the United States Code (USC) under Title 18, Sections 338A and 338B. These sections have been amended from time to time and are presently set forth in Sections 876 and 877 of that title.

(2) Included within the Bureau character of Extortion are those sections of Title 18 which deal with blackmail (Section 873), threats transmitted by interstate or foreign communications other than by mail (Section 875) as well as threatening communications transmitted through the mail (Sections 876, 877).

(3) On November 10, 1986, the President signed into law S. 1236, the "Criminal Law and Procedures Technical Amendments Act of 1986." This law was effective November 10, 1986, and one of its provisions deals with Title 18, USC, Section 875 - Interstate Communications. Title 18, USC, Section 875 was expanded to include threats transmitted in foreign commerce.

|(4) Under the Violent Crime Control and Law Enforcement Act of 1994, Title 18, U.S. Code, Sections 2261 and 2262, were enacted. These sections are part of the "Safe Homes for Women Act of 1994" and create federal violations aimed at domestic violence. Domestic violence is defined to include "...felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse...." (See MIOG, Part I, 9-2.5 and 9-2.6.)|

EFFECTIVE: 11/25/96

9-2 STATUTES

EFFECTIVE: 05/11/87

9-2.1 Section 873 - Blackmail

(1) "Whoever, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demands or receives any money or other valuable thing, shall be fined not more than $2,000 or imprisoned not more than one year, or both."

(2) The elements of blackmail are (1) coercion and (2) unlawful consideration. Refer to 228 Fed. Sup. 345, U.S. v. Smith, U.S. District Court, Louisiana, 1964.

EFFECTIVE: 05/11/87

9-2.2 Section 875 - Interstate Communications

"(a) Whoever transmits in interstate|or foreign|commerce any communication containing any demand or request for a ransom or reward for the release of any kidnapped person, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

"(b) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate|or foreign|commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both.

"(c) Whoever transmits in interstate|or foreign|commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined not more than $1,000 or imprisoned not more than five years, or both.

"(d) Whoever, with intent to extort from any person, firm, association, or corporation, any money or other thing of value, transmits in interstate|or foreign|commerce any communication containing any threat to injure the property or reputation of the addressee or of another or the reputation of a deceased person or any threat to accuse the addressee or any other person of a crime, shall be fined not more than $500 or imprisoned not more than two years, or both."

EFFECTIVE: 05/11/87

9-2.3 Section 876 - Mailing Threatening Communications

(1) Violations of Section 876 are the same as enumerated under Sections 875 (a), (b), (c), and (d) except that the threat/extortion is conveyed to the victim/addressee by way of the United States Postal Service (USPS).

(2) Penalties for violation of Section 876 are the same as those under Sections 875 (a), (b), (c), and (d).

(3) The use of the mail to communicate any threat to injure the reputation of the addressee (alive or deceased) or to accuse the addressee or any other person of a crime is a violation punishable by fines up to $500 or imprisonment not to exceed two years. Jurisdiction rests solely with the U.S. Postal Inspector.

EFFECTIVE: 03/28/84

9-2.4 Section 877 - Mailing Threatening Communications from a Foreign Country

(1) Violations of Section 877 are the same as enumerated under Section 875 (a), (b), (c), and (d) except that the threat/extortion is placed in the bona fide mail service of a foreign country for delivery to the USPS and by it for delivery to the addressee in the United States.

(2) 9-2.3 (3) applies to Section 877.

EFFECTIVE: 03/28/84

9-2.5 Section 2261 - Interstate Domestic Violence (See MIOG, Part I, 198-7.)

(1) "A person who travels across a state line or enters or leaves Indian Country with the intent to injure, harass, or intimidate that person's spouse or intimate partner, and who, in the course of or as a result of such travel, intentionally commits a crime of violence and thereby causes bodily injury to such spouse or intimate partner."

(2) "A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian Country by force, coercion, duress, or fraud and, in the course or as a result of that conduct, intentionally commits a crime of violence and thereby causes bodily injury to the person's spouse or intimate partner."

(3) A person who violates this section shall be fined under this title, and imprisoned-

(a) for life or any term of years, if death of the offender's spouse or intimate partner results;

(b) for not more than 20 years if permanent disfigurement or life-threatening bodily injury to the offender's spouse or intimate partner results;

(c) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;

(d) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a federal prison); and

(e) for not more than five years, in any other case, or both fined and imprisoned.

EFFECTIVE: 11/25/96

9-2.5.1 Section 2261 - Interstate Domestic Violence - Elements
(See MIOG, Part I, 198-7.)

(1) This law requires specific intent at the time of crossing the state line.

(2) The parties must fall under the statutory definition of spouse or intimate partner.

(3) There must be bodily injury for prosecution under this statute. A kidnapping with no resulting physical injuries would not fall under this statute.

(4) Section 2261(2) - This statute does not require a showing of specific intent to cause a spouse or intimate partner to travel across the state or Indian territory line. However, it does require proof of force, coercion, duress or fraud.

(5) Section 2261(2) - The subject must intentionally commit a crime of violence during the course of, or as a result of, the travel.

EFFECTIVE: 11/25/96

9-2.6 Section 2262 - Interstate Violation of Protection Order
(See MIOG, Part I, 198-7.)

(1) "A person who travels across a state line or enters or leaves Indian Country with the intent to engage in conduct that:

"(A)(i) violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued; or

"(ii) would violate subparagraph (A) if the conduct occurred in the jurisdiction in which the order was issued."

(2) "A person who causes a spouse or intimate partner to cross a state line or to enter or leave Indian Country by force, coercion, duress or fraud, and in the course or as a result of that

conduct, intentionally commits an act that injures the person's spouse or intimate partner in violation of a valid protection order issued by a State."

(3) Penalties for violation of Section 2262 are the same as those under Section 2261.

EFFECTIVE: 11/25/96

9-2.6.1 Section 2262 - Interstate Violation of Protection Order - Elements (See MIOG, Part I, 198-7.)

(1) There must be specific intent at the time of crossing the state line.

(2) Section 2262(b) does not require the same specific intent. It is sufficient to prove the subject caused the crossing of the state line and intended to injure the victim in violation of a valid protective order.

(3) Many state protective orders are merely mutual restraining orders and will not conform to the statutory requirements.

EFFECTIVE: 11/25/96

9-3 JURISDICTION

The FBI has exclusive jurisdiction over all of the above sections except those parts of Sections 876 and 877 wherein the threatened act is to injure a person's reputation and/or accuse a person of a crime and/or reveal illicit practices or associations. Such matters should be promptly referred to the U.S. Postal Inspector for handling.

EFFECTIVE: 03/28/84

9-4 DEPARTMENTAL INSTRUCTIONS

(1) Note the provisions of Section 875 specifically refer to threatening communications received by corporations. Opinion of the Criminal Division of the Department of Justice (DOJ) indicates that Sections 876 and 877 will apply in cases in which threatening communications are received by corporations, as well as those in which such communications are received by private individuals.

(2) The Criminal Division of the DOJ has furnished an opinion indicating that "intent to extort" as contemplated by this act must be an intent to secure something of benefit for the sender of the threatening communication or communications. This opinion indicated that the Criminal Division does not consider it sufficient that the demand be for the recipient of the letter to give up something which would not prove to be of benefit to the sender of the communication. When doubt exists as to the "intent to extort" or where it appears questionable as to whether the thing demanded is a "thing of value," the appropriate United States Attorney (USA) should be immediately consulted for the purpose of determining whether prosecution would be authorized in the event the identity of the writer of the letter is established by subsequent investigation.

(3) The DOJ has advised that with regard to threats made to destroy public buildings, public facilities, ships, or other property, no violation exists under Federal Extortion Statutes unless a specific threat is made to injure a person or unless such threat is coupled with an attempt to extort money or other thing of value. It was stated that a violation of Title 18, USC, Section 844(e), pertaining to explosives, appears to be present in those situations in which a threat to such public facilities or other property is made. This code section is referred to in Part I, Section 174, of this manual. Violations of this type should be submitted under the bombing matters caption and handled in accordance with appropriate existing instructions.

(4) A threat has been defined, as set forth in the USAs' Manual, Title 9 - Criminal Division, under paragraph 9-60.340, entitled "Special Considerations," as, "'an avowed present determination or intent to injure presently or in the future.' United States v. Metzdorf, 252 Fed. 933, 938; United States v. Marino, 148 F. Supp. 75, 77. The question of whether particular language constitutes a threat is for the trier of fact to determine. United States v. Pennell, 144 F. Supp. 317 (D.C. Cal., 1956). The Fourth Circuit has held that if a reasonable recipient familiar with the context of the communication would interpret it as a threat, the issue should go to

the jury. United States v. Maisonet, 484 F. 2d 1356 (1973). The District Court for Montana has held that a threat need not be of such a nature as to have actually induced fear in the mind of the recipient. United States v. Holder, 302 F. Supp. 296 (1969), affirmed 427 F. 2d 715."

EFFECTIVE: 03/28/84

9-5 POLICY

EFFECTIVE: 03/28/84

9-5.1 Acceptance of Extortion Matters Referred to the FBI by Local Law Enforcement

(1) Prior Bureau policy precluded the acceptance of any extortion matter wherein local authorities had conducted a preliminary investigation even if the subject(s) had been identified and/or apprehended. Realizing that in most extortion cases local/state laws/statutes are applicable as well as Federal statutes, this policy has been modified with regard to acceptance of cases wherein local authorities may have conducted a preliminary investigation.

(2) When an extortion matter is referred to the Bureau from another law enforcement agency, the field office should do the following:

(a) Review the fact situation for elements to determine that a violation of the Federal Extortion Statute has occurred or may occur.

(b) Consult with the appropriate USA or Assistant United States Attorney (AUSA) to ensure that a prosecutable Federal case exists. Inasmuch as the local investigation may preclude successful Federal prosecution, a USA's or AUSA's opinion is mandatory.

(3) Blanket acceptance of referred extortion matters is to be avoided. However, where a viable Federal case exists and FBI investigation and Federal prosecution are appropriate means to address the extortion, acceptance should be considered.

EFFECTIVE: 03/28/84

9-5.2 Prosecution Under the Hobbs Act

Consideration should be given to the use of the Hobbs Act as a vehicle of prosecution where the extortion scheme includes the use of intrastate phone calls or without the use of the USPS, e.g., hand-delivered notes. The DOJ has instructed all USAs that when such a fact situation is encountered (where it may be desirable to charge a violation under the Hobbs Act), the DOJ must be consulted. See also Part I, Section 192, of this manual.

EFFECTIVE: 03/28/84

9-5.3 Extortion Involving a Federal Judge, U.S. Attorney or Assistant U.S. Attorney

(1) When a Federal judge, USA or AUSA is the victim, the appropriate offices of the United States Secret Service (USSS) and United States Marshal Service (USMS) should be immediately advised. Additionally, if investigation is initiated, close contact should be established and maintained with the USMS.

(2) The FBI has investigative jurisdiction in extortion matters involving Federal judges, USAs and AUSAs. The USMS will provide security if requested by the judge, USA, or AUSA who is the victim in the matter. The FBI does not provide "threat assessments," but any investigative information which will aid the USMS in meeting its security responsibilities should be promptly furnished to that agency as it is developed. See also Part I, 89-2.8, of this manual, for additional details regarding the handling of "threat assessment requests."

(3) FBIHQ is required to advise the Executive Office of USAs at the DOJ in addition to the USSS and USMS of each threat matter involving a USA or AUSA as the intended victim. The teletype or other communication reporting such matters to FBIHQ should be factual, concise, and in a form suitable for dissemination.

EFFECTIVE: 03/28/84

9-5.4 Extortions of Officials or Employees of a Federal, State or Local Government Where the Threat is to Cause Bodily Harm or Redress a Grievance

(1) Dissemination of the facts of the case and the name of the subject(s), etc., is to be made to the USSS locally and at the headquarters level.

(2) FBIHQ will, in the case of a Federal employee, disseminate the pertinent facts, if appropriate, to the victim's employing agency.

(3) In each such case, FBIHQ is to be notified by telephone, teletype or airtel enclosing a summary LHM suitable for dissemination. The form of notification is dependent on the exigency of the matter. Telephone notification must be confirmed promptly by teletype.

(4) Appropriate law enforcement agencies should immediately be apprised of these matters so that those responsible for the official's/employee's security may take the necessary action.

(5) In many cases, the official's/employee's mail is screened by an administrative aide(s) who brings such extortions to the attention of the Bureau. The intended victim in these matters is to be notified of the threat unless there is a sound investigative reason not to. Promptly advise FBIHQ of any instance in which the intended victim was not notified and the reason(s) why such notification was not made.

(6) If the victim is a U.S. Representative, U.S. Senator or other U.S. Government official, see Part I, 89-3.10, 89-3.13 and 89-3.14, of this manual, concerning notification policy to include FBIHQ and the Washington |Metropolitan|Field Office|(WMFO).| In addition, the communication notifying of an extortion matter with one of the above persons as the victim should be sent to the field office which covers the victim's "home" district/residence with a lead to make appropriate notifications at the official's office and to the concerned local law enforcement agencies.

EFFECTIVE: 02/16/89

9-5.5 Acceptance of Interstate Domestic Violence Matters Referred to the Violent Crimes Program

When an Interstate Domestic Violence matter is referred from another agency, the field office should do the following:

(1) Review the fact situation for elements to determine that a violation of the federal Interstate Domestic Violence Statute (Title 18, USC, Sections 2261 and 2262) has occurred.

(2) Consult with the appropriate USA or Assistant United States Attorney (AUSA) to ensure that a prosecutable federal case exists. Inasmuch as the local investigation may preclude successful federal prosecution, a USA's or AUSA's opinion is mandatory.

(3) Blanket acceptance of referred Interstate Domestic Violence matters is to be avoided. However, where a viable federal case exists and FBI investigation and federal prosecution are appropriate, a case should be initiated.

(4) Violent Crimes/Fugitive Unit, Criminal Investigative Division, is responsible for these cases at FBIHQ.

EFFECTIVE: 11/25/96

9-6 NOTIFICATION OF VIOLATIONS TO FBIHQ - GENERAL

(1) In all cases where the victim is a Federal, state or local government official, FBIHQ must be initially notified by telephone, teletype or airtel enclosing a summary LHM, depending upon the exigency of the matter. Refer also to Part I, Section 175, of this manual, for specific FBI/USSS agreements regarding dissemination policy and format to be used.

(2) If initial notification to FBIHQ is by telephone, a confirming teletype must be promptly submitted.

(3) The format of the teletype should be suitable for dissemination.

(4) Telephone and/or teletype notification is also required where:

(a) The media is affording coverage.

(b) The victim has high public exposure.

(c) The victim is a company dealing with the manufacture, distribution or sale of goods consumed by the public and the threat involves the adulteration of its product.

(5) In all other extortions, the exigency of the matter will dictate notification to FBIHQ.

(6) The notification teletype should set forth the facts, as known, to include a succinct summary of the contents of the extortionate letter. If the extortion message is short, i.e., not more than two pages of a teletype, it should be quoted in its entirety in the initial teletype to the Bureau.

(7) In minor unaggravated cases where the USA declines prosecution, FBIHQ notification is not required. Promptly confirm the USA's opinion in writing and close such matters.

EFFECTIVE: 02/16/89

9-7 INVESTIGATIVE PROCEDURES

(1) Upon receipt of a complaint, a preliminary inquiry is to be conducted to ascertain the existence of a federal violation within the Bureau's jurisdiction. This inquiry should include an immediate, thorough interview of the addressee/victim of the extortion.

(2) Promptly notify FBIHQ by telephone, teletype, airtel or letter, as exigencies dictate, of all extortion complaints where active investigation is to be conducted and where dissemination is made locally to an agency and FBIHQ must also disseminate the information at the headquarters level. (See 9-5.3, 9-5.4 and 9-6.)

(3) The original extortion letter is to be promptly forwarded by airtel to FBIHQ, Attention: Laboratory Division, for examination. A copy of the letter should also be designated for the Violent Crimes/Fugitive Unit, Criminal Investigative Division (CID). The cover airtel should briefly set forth the facts of the case and specifically request the types of Laboratory Division examinations

desired. Refer to Part II, Section 13, of this manual, entitled "Laboratory Division Aids to Investigations," and Part II, Section 15, of this manual, entitled "Latent Fingerprint Identification," for the types of analyses available through the Laboratory Division.

(4) Identification of those who have handled the extortion letter is necessary so that elimination fingerprints can be obtained for later reference. The unavoidable handling of the letter or document before it comes into the possession of the field office should not preclude the requesting of latent fingerprint examinations. However, appropriate handling instructions should be given to those who may receive subsequent letters from the extortionist so that minimal handling of the evidence occurs.

(5) |Deleted|

(6) The medium by which an extortionate message is conveyed to the victim may include telephone calls, tape recordings and videotapes. Analyses can be conducted by the Laboratory and Information Resources Divisions on these types of evidence. Refer to Part II, 16-8, of this manual, for details of examinations which can be conducted on this evidence.

(7) [redacted]

(8) [redacted]

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(9) If the President and/or Vice President of the United States is(are) the intended victim(s) of the extortion, refer to Part I, Section 175, of this manual, for proper handling. (Title 18, USC, Section 871, is under the exclusive jurisdiction of the USSS.)

(10) FBIHQ should be advised prior to initiating an investigation of possible violations of the Extortion Statute wherein local police officers and ranking public figures in state or local government are victims. The reason for this is that most extortion matters are also violations of applicable local or state laws. If

requested, the FBI will defer investigation of those matters involving local police officers and ranking public figures in state or local government to the appropriate local or state law enforcement agency.

EFFECTIVE: 03/21/95

9-7.1 [redacted]

(1) [redacted]

(2) [redacted]

EFFECTIVE: 02/27/95

9-7.2 [redacted]

(1) [redacted]

(2) [redacted]

(a) [redacted]

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where in explain this deletion.

☒ Deletions were made pursuant to the exemptions indicated below with no segregable material available f release to you.

Section 552

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Section 552a

☐ (d)(5)
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☐ Information pertained only to a third party with no reference to the subject of your request or the subject request is listed in the title only.

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MIOG Manual Section 9-7.2 pages 9-15 and 9-16

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(5) [redacted]

EFFECTIVE: 09/17/97

9-8 REPORTING REQUIREMENTS

(1) In all matters where the preliminary inquiry results in a full investigation being conducted and where the USA's Office has advised it will prosecute the identified subject(s), a prosecutive report must be prepared. See Manual of Administrative Operations and Procedures, Part II, 10-14 and 10-15, for reporting formats.

(2) In cases where the investigation develops a subject and the USA's Office declines prosecution or defers prosecution to local or state authorities, a report is not required. However, in the event that local/state authorities rely heavily on the FBI investigation, a prosecutive report is the best format for trial preparation and subsequent Agent testimony. Secure USA approval before disseminating such prosecutive reports to local or state authorities.

(3) If dissemination to another Federal agency (USSS, USMS, Executive Office of USAs, etc.) has been made, extra copies of the prosecutive report should be designated for FBIHQ to disseminate. If headquarters level dissemination is not necessary, submit only one copy of the prosecutive report to FBIHQ.

(4) In all other cases a report is not required and the case must be closed by memorandum, letter, airtel, etc. If FBIHQ was advised of the case, ensure FBIHQ files are completed by notification that the matter is closed. This may be accomplished in three ways:

(a) In unknown subject cases by letter or airtel.

(b) In cases where the USSS or another agency was notified, ensure a succinct letterhead memorandum of the investigative effort is disseminated to that agency and an original plus three copies of the LHM are sent by cover airtel to FBIHQ. FBIHQ will disseminate one copy of the letterhead memorandum to each concerned agency at the headquarters level.

(c) In cases where the Federal or local prosecutive process results in the generation of an "Accomplishment Report" (FD-515), the case may be closed by submission of this form when the final outcome of the judicial process is known.

EFFECTIVE: 03/28/84

9-9 NUCLEAR EXTORTION

(1) FBIHQ is to be notified by telephone of all extortions wherein a nuclear or radiological device or nuclear weapon is involved. In addition to all logical extortion investigative steps, refer to Part I, 117-7, of this manual, for additional investigative steps which must be followed.

(2) Telephonic notification is to be followed promptly by teletype.

(3) If FBIHQ assistance is needed in a nuclear extortion matter, contact should be made directly with the Domestic Terrorism Unit, Violent Crimes and Major Offenders Section, CID.

EFFECTIVE: 05/25/93

9-10 BIOLOGICAL EXTORTION (See MIOG, Part I, Section 279.)

EFFECTIVE: 06/18/97

9-11 VENUE

General - Venue generally is governed in Extortion matters by Title 18, USC, Section 3237. This section states venue lies in any district from, through, or into which commerce or mail moves.

EFFECTIVE: 07/23/90

9-12 CHARACTER

(1) Extortion.

(2) |Deleted|

(3) When an extortion arises out of a situation wherein the threat involves a credible nuclear threat such as a nuclear weapon or radiological dispersal device, the case should be investigated as an Atomic Energy Act (AEA) matter in the|Domestic Terrorism|Program. The character of such cases should be carried as: AEA-Extortion. FBIHQ should be promptly informed of these types of cases so that contacts may be made with the appropriate federal agencies to determine the credibility of the threat. If the threat assessment and subsequent investigation determines the threat is a hoax, OO has the option of continuing its investigation as an AEA matter or converting it to an extortion matter under the 9 classification. See Part I, Section 117, of this manual, for additional details regarding AEA-Extortion matters.

(4) Blanket acceptance of referred Interstate Domestic Violence/Interstate Violation of a Protection Order matters is to be avoided. However, where a viable federal case exists and FBI investigation and federal prosecution are appropriate, a case should be initiated. The character should be carried as: Extortion - Interstate Domestic Violence OR Extortion - Interstate Violation of a Protection Order.

EFFECTIVE: 06/18/97

SECTION 10. RED CROSS ACT

10-1 STATUTES

Title 18, USC, Section 706 and 917.

EFFECTIVE: 01/31/78

10-1.1 Section 706 (Red Cross)

EFFECTIVE: 01/31/78

10-1.1.1 Elements

(1) Whoever, corporation, association or person

(2) fraudulently wears or displays

(3) the sign or insignia or colored imitation of the Greek Red Cross on a white ground

(4) or the words Red Cross or Geneva Cross

(5) to induce the belief that party is an American Red Cross member or agent.

EFFECTIVE: 01/31/78

10-1.2 Section 917 (Red Cross Members and Agents)

EFFECTIVE: 01/31/78

10-1.2.1 Elements

(1) Whoever, within the United States

(2) fraudulently represents himself

(3) as an American Red Cross member or agent

(4) to solicit, collect or receive money or material.

EFFECTIVE: 01/31/78

10-2 POLICY

(1) Present results preliminary investigation to USA to obtain view toward criminal prosecution on basis allegations will be developed by complete investigation, or advise regarding any other action. (USA may decide subjects be requested to desist practices, instead of requiring full investigation.)

(2) Inform local Red Cross disposition of investigation.

(3) Investigations conducted similar to impersonation matters.

EFFECTIVE: 01/31/78

10-3 PENALTIES

(1) Section 706 - $250 fine and/or six months imprisonment.

(2) Section 917 - $500 fine and/or one year imprisonment

EFFECTIVE: 01/31/78

10-4 INVESTIGATIVE PROCEDURE

(1) Determine from local representative Red Cross whether subject actually member or agent of Red Cross.

(2) If local Red Cross cannot definitely declare whether subject member or agent Red Cross, make further check with national headquarters of American National Red Cross, Washington, D. C., through Washington|Metropolitan|Field Office.

EFFECTIVE: 10/16/90

10-5 CHARACTER - RED CROSS ACT

EFFECTIVE: 10/16/90

SECTION 11. TAX (OTHER THAN INCOME)

11-1 TAX (OTHER THAN INCOME)

The Miscellaneous Tax Unit of the Internal Revenue Service administers the internal revenue laws as they apply to other than alcohol, social security, and income and profits taxes, preparing regulations in connection therewith, receiving, auditing, and verifying the returns, and reviewing and disposing of claims for refund and abatement. Complaints coming within this category are handled at FBIHQ and in the field according to the same system set forth in Section 5, Income Tax, in this manual.

EFFECTIVE: 01/31/78

SECTION 12. |DRUG DEMAND REDUCTION|

12-1 DRUG DEMAND REDUCTION PROGRAM (DDRP) BACKGROUND AND POLICY

|(1) BACKGROUND ON THE DRUG DEMAND REDUCTION PROGRAM AND THE COMMUNITY OUTREACH PROGRAM

(a) In 1988, the Drug Demand Reduction Program (now known as the Community Outreach Program) was created to augment the enforcement efforts of the FBI as a long-term solution to the drug abuse problem. The program called for a mature and experienced Special Agent to serve as a Drug Demand Reduction Coordinator (DDRC) in each of the FBI's field offices nationwide. In public appearances and speaking engagements, DDRCs promoted the FBI's role in drug enforcement and demand reduction. DDRCs' duties included:

1. fostering appropriate communication between the FBI's law enforcement and prevention initiatives;

2. establishing a network of resources throughout their territories;

3. disseminating prevention materials;

4. facilitating prevention programs, speeches, events, etc.; and

5. coordinating the development and growth of regional programs with FBIHQ to ensure maximum economy and effectiveness.

Recognizing the interdependency of children, parents, other adults, community groups, businesses, schools, social services, and health services, the FBI focused its DDRP efforts on three areas: the community, the schools, and the workplace. In connection with these activities, the FBI entered into prevention programs or partnerships with several national and local organizations.

(b) Since 1990, the Community Outreach Program focused its efforts primarily on socioeconomic and disadvantaged youth from impoverished inner-city and rural areas. The FBI's Adopt-A-School Program, including the Junior Special Agent, Mentoring, and

Tutoring programs, was created as a means of reaching out to these at-risk youths. Other Community Outreach Program initiatives included sponsoring little league baseball, softball, soccer, and/or basketball teams for inner-city disadvantaged youth, providing instructors for criminal justice classes, and conducting training for security personnel. FBI senior managers attended community town hall meetings and met regularly with community and business leaders. Through these interactions, the Community Outreach Program developed partnerships with national and local organizations. In 1994, the FBI's Citizens' Academy was established and merged under the umbrella of the COP.

(2) COMBINING THE DRUG DEMAND REDUCTION PROGRAM AND THE COMMUNITY OUTREACH PROGRAM

(a) Linking community service, drug abuse prevention, and law enforcement is a major national trend as grass roots efforts have brought about federal government support for public safety initiatives. The Director's memorandum, dated November 9, 1993, combined the Drug Demand Reduction Program (DDRP) and the Community Outreach Program (COP) under the authority of the Victim-Witness/Community Outreach Unit, Criminal Investigative Division (CID). The Assistant Director of CID is responsible for program oversight. The combined program, called the Community Outreach Program, includes all Adopt-A-School, Junior Special Agent, Mentoring, and Tutoring programs, as well as crime, drug, gang, and violence prevention efforts.

(b) Effective September 2, 1994, the Drug Demand Reduction Coordinator's position was converted from Special Agent to professional support personnel. However, due to the nature of the work and high profile of the program, certain circumstances may require a Special Agent to accompany the COP Specialist. Therefore, while the coordinator position is now filled by a support employee, it may be necessary to assign a Special Agent to work in concert with the COP Specialist. For example, when safety concerns arise, or when an experienced law enforcement officer's perspective is required, then the use of Special Agent personnel is justified.

(3) PROGRAM DUTIES AND RESPONSIBILITIES

(a) The COP Specialist will be responsible for FBI community-related efforts, including developing/training volunteers, tracking the budget, scheduling activities, submitting the annual report, coordinating the FBI's Citizens' Academy, and providing resources.

(b) Each SAC will decide whether or not to assign a support employee part or full time to the COP Specialist position.

(c) Each field division will assess the needs of its territory and deliver a fitting product (see COP Specialist's Manual for component models). Each division may choose to emphasize certain programs or even merge some, or all, into one. It is expected that each field division will be unique, yet will follow the policy and guidelines set forth by FBIHQ. Following are three basic examples of how a field division might implement the COP (many other variations are possible):

1. Continue its long-standing commitments in the schools, the workplace, and the community.

2. Concentrate its resources in Adopt-A-School, Junior Special Agent, Mentoring, and Tutoring programs, community and organization partnerships, and youth sports programs.

3. Formulate partnerships with organizations, such as the Urban League or the League of United Latin American Citizens to educate youth and young adults in anti-gang, -drug, and -violence initiatives, local Boys and Girls Clubs of America through the SMART MOVES, establishing an FBI Citizens' Academy, and assisting community neighborhood watch associations.

(4) REPORTING PROCEDURES

(a) Each field division is required to submit an ANNUAL report summarizing its COP activities to FBIHQ marked to the Attention of the Victim-Witness/Community Outreach Unit, CID.

(b) The annual accomplishments report must be furnished on a timely basis, adhering to the following schedule:

REPORTING PERIOD	DATE DUE
January 1 through December 31	January 20

(c) The annual accomplishments report should contain the following:

1. A summary of the COP activities for the reporting period. The COP components chosen by the field division

should be set forth and adequately described. DO NOT merely submit a list of where and when presentations were given, but summarize each component briefly and give examples of how your division implemented the COP. See the COP Specialist's Manual for an example.

2. Statistics on volunteerism to determine the strength of overall field support for the COP and to meet reporting requirements for the Department of Justice. See the COP Specialist's Manual for a sample format.

3. The annual report must include a plan for spending (budget formulation) for the next fiscal year. See the COP Specialist's Manual for an example.

4. An itemized accounting of acquisitions and other expenses (budget execution). See the COP Specialist's Manual for a sample format.

5. Requests for enhancements should be requested on an as-needed basis. For approval, enhancement requests must be justified in writing. Field division budget allotments are based on historical spending patterns and justifications.

(d) The annual report is important and necessary for a variety of reasons, including:

1. The "Annual COP Report," which is provided to each field division, other government agencies, the law enforcement community, and the general public.

2. SAC evaluations and inspection reports.

3. Field division budget allotments.

4. Innovative, resourceful, and creative efforts, which can then be shared with other COP Specialists or possibly developed into a regional or national program.

5. Special studies or responses to special requests from other FBI entities, government agencies, law enforcement, academicians, and the general public.

(5) POLICY AND GUIDELINES

(a) FBI Name, Seal, Initials, and the COP Logo - see COP Specialist's Manual for details.

1. Use of the FBI name, seal, initials, and the COP logo must be closely monitored to ensure their use falls within guidelines set forth by law, regulation, and FBI policy.

2. Use of the FBI name, seal, initials is regulated by Title 18, United States Code, and Title 41, Code of Federal Regulations.

3. All promotional campaigns must have written FBIHQ authority to use the FBI name, seal, initials, and/or the COP logo. The authority to grant approval lies with the Employee Benefits Unit (EBU), Personnel Management and Benefits Section, Personnel Division. Requests for approval are submitted to FBIHQ COP which redirects them to EBU on a case-by-case basis.

(b) COP Spending Guidelines - see the COP Specialist's Manual for details.

1. Each field division's COP funds are included as part of its overall supply budget and are to be used for COP supplies, conference space, and/or honorariums.

2. When using COP funds, both the COP item number [redacted] and the subobject classification number [redacted] MUST be indicated. b2

3. Each field division may expend up to $500 on a project without prior FBIHQ approval. All expenditures over $500 MUST be requested via electronic communication to FBIHQ for approval. The funds may be expended following receipt of written approval.

4. All COP expenditures must follow routine procurement policies and procedures.

5. Under procurement regulations, COP funds are to be spent on items for "target" groups. Items MUST exhibit a drug-free message and have a purchase value of $5 or LESS.

6. Under procurement regulations, ONLY representation funds can be used to purchase food, clothing, or items for liaison and tokens of appreciation (e.g., certificates and plaques). COP funds CANNOT be used for such purchases.

7. All travel and per diem expenses associated with COP MUST be funded from the field division's travel budget, NOT

from COP funds.

(c) Working with Celebrities - Celebrity reputations are fragile. Unforeseen events sometimes change a celebrity's public acceptance to one of public dislike and even condemnation. For this reason, FBIHQ COP discourages association with celebrities.

(d) Fundraising - "The FBI cannot accept funding (resources) from any source other than Congress or from sources approved by Congress" (Prohibition: Title 31, USC, Section 484).

1. The FBI name, seal, initials, COP logo, manpower, or funds are not to be used to assist private entities in their fundraising activities, regardless of the worthwhile nature of the event.

2. FBI employees are to refrain from fund-raising activities for COP purposes.

3. FBI employees are to refrain from supplementing the COP budget at their own expense.

EFFECTIVE: 09/19/97

12-2 CHARACTER - DRUG DEMAND REDUCTION

This character was formerly "DRUGS" and was changed to "DRUG DEMAND REDUCTION PROGRAM" in 1993. The character was again changed to "DRUG DEMAND REDUCTION" in Fiscal Year 1998 when it was combined with the Community Outreach and Victim/Witness Assistance Programs. To find historical versions of the old 12 classification known as "DRUGS," contact the Manuals Desk. Instructions for investigations of drug violations are located in MIOG, Part I, Section 281.

EFFECTIVE: 09/19/97

SECTION 14. SEDITION

14-1 STATUTES

Title 18, USC, Sections 2387, 2388, and 2391

EFFECTIVE: 01/31/78

14-1.1 Section 2387 - Activities Affecting Armed Forces Generally

"(a) Whoever, with intent to interfere with, impair, or influence the loyalty, morale, or discipline of the military or naval forces of the United States:

"(1) advises, counsels, urges, or in any manner causes or attempts to cause insubordination, disloyalty, mutiny or refusal of duty by any member of the military or naval forces of the United States; or

"(2) distributes or attempts to distribute any written or printed matter which advises, counsels, or urges insubordination, disloyalty, mutiny, or refusal of duty by any member of the military or naval forces of the United States...Shall be fined not more than $10,000 or imprisoned not more than ten years, or both, and shall be ineligible for employment by the United States or any department or agency thereof, for the five years next following his conviction.

"(b) For the purposes of this section, the term 'military or naval forces of the United States' includes the Army of the United States, Navy, Air Force, Marine Corps, Coast Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve of the United States; and, when any merchant vessel is commissioned in the Navy or is in the service of the Army or the Navy, includes the master, officers, and crew of such vessel."

EFFECTIVE: 01/31/78

14-1.2 Section 2388 - Activities Affecting Armed Forces During War

"(a) Whoever, when the United States is at war, willfully makes or conveys false reports or false statements with intent to interfere with the operation or success of the military or naval forces of the United States or to promote the success of its enemies; or

"Whoever, when the United States is at war, willfully causes or attempts to cause insubordination, disloyalty, mutiny, or refusal of duty, in the military or naval forces of the United States, or willfully obstructs the recruiting or enlistment service of the United States, to the injury of the service of the U. S., or attempts to do so...Shall be fined not more than $10,000 or imprisoned not more than twenty years, or both.

"(b) If two or more persons conspire to violate subsection (a) of this section and one or more such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be punished as provided in said subsection (a).

"(c) Whoever harbors or conceals any person who he knows, or has reasonable grounds to believe or suspect, has committed, or is about to commit, an offense under this section, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(d) This section shall apply within the admiralty and maritime jurisdiction of the United States, and on the high seas, as well as within the United States."

EFFECTIVE: 01/31/78

14-1.3 Section 2391 - Temporary Extension of Section 2388

"The provisions of Section 2388...in addition to coming into full force and effect in time of war shall remain in full force and effect until six months after the termination of the national emergency proclaimed by the President on December 16, 1950...or such earlier date as may be prescribed by concurrent resolution of the Congress, and acts which would give rise to legal consequences and penalties under Section 2388 when performed during a state of war shall give rise to the same legal consequences and penalties when they are performed during the period above provided for."

EFFECTIVE: 01/31/78

14-2 DEPARTMENTAL OPINIONS

(1) To assist in determining types of utterances which fall within prohibition of sedition statutes, Department of Justice has designated following types of statements as being within prohibition of statutes:

(a) False statements of facts in time of war intended to interfere with the prosecution of war

(b) Utterances in time of war which cause or attempt to cause insubordination in armed forces

(c) Utterances which have the direct effect of obstructing enlistment or the operation of the draft

(d) Advocacy of armed revolt or overthrow of Government by force and violence

(2) Above types of utterances not considered all-inclusive of possibilities presented by sedition statutes but only guides.

EFFECTIVE: 01/31/78

14-3 POLICY

(1) Department of Justice has advised that United States Attorneys (USAs) are not to authorize prosecution without prior departmental authority in each individual case; therefore, no request should be made of USA for institution of prosecution. Department has instructed, however, that in all cases involving sedition in which facts justify consideration, copies of reports should be designated for the office of interested USA.

(2) Copies of reports will be referred to Department by FBIHQ for decisions relative to prosecution. Should the USA authorize prosecution, proceed in accordance with his instructions since it is presumed he will have complied and obtained prior authorization. Where such prosecutive action is authorized by a local USA and no advice from FBIHQ has been received indicating knowledge that this action has been

approved by the Department, immediately advise by telephone or teletype of action taken. In order that FBI can properly discharge its obligation to investigate all cases involving the distribution of seditious literature and be aware of all such publications, make necessary arrangements to be advised of all publications in your district which might be considered seditious. Within 24 hours after seditious article reaches general public, each field office must prepare teletype summary of article for FBIHQ which must be followed by two copies of publication in which it appeared. Such articles will be of type which reflect race prejudice, anti-Semitism and material tending to cause disunity. Cover all meetings of organizations engaged in seditious activities and bring to attention of FBIHQ statements of seditious nature or having propaganda significance by most expeditious means warranted.

EFFECTIVE: 01/31/78

14-4 INVESTIGATIVE PROCEDURE

EFFECTIVE: 01/31/78

14-4.1 General

(1) Ascertain whether persons involved are civilian or uniformed personnel of Army, Navy, or Air Force.

(2) Ascertain whether offense occurred on military or naval establishment, reservation, base, field, port or harbor, under jurisdiction of Army, Navy or Air Force or on merchant vessel commissioned in Navy or in service of Army or Navy.

(3) If so, communicate facts to proper official of Army or Navy or Air Force and conduct no investigation until a request is received through proper channels.

(4) General investigation should seek to establish identity and location of all witnesses. All persons present when words spoken should be interviewed immediately and made matter of record before lapse of time may impair effectiveness and probative value of their testimony.

(5) Important to establish in greatest detail factual setting in which language was used since necessary part of proof in sedition case.

(6) If member of armed forces present, ascertain name, address, rank, branch of service and serial number. If men having obligations under Selective Service Act present, ascertain locality, birth and selective service status of each witness in addition to other identifiable information. Efforts should be made to determine whether or not speaker was aware of presence of member of armed forces or persons having obligation under draft laws.

(7) If speech was public in nature and delivered to audience, ascertain in detail circumstances under which made. Inquiry should establish whether speech was delivered extemporaneously or from prepared script. Inquiry should include date, time and place of occurrence, as well as chronology of events leading up to utterance of seditious statements. Ascertain age, sanity, sobriety and general demeanor of speaker. Manner in which words spoken has important bearing on speaker's intent and must be clearly established before facts will warrant prosecution. Determine if words addressed generally to all persons within sound of speaker's voice were spoken without prompting or in response to a question and determine whether words expressed in a deliberate manner or in temperamental outburst.

(8) Witnesses should be asked to evaluate effect of language upon persons addressed. Inquire whether result of words was to arouse patriotic ardor of listeners or whether its effect was demoralizing.

(9) Determine whether alleged seditious words have been repeated by other persons since they were first uttered and with what results.

(10) Bear in mind possibility that this investigation may uncover other violations of existing statutes, such as failure to comply with postal regulations, income tax or registration law requirements.

EFFECTIVE: 01/31/78

14-4.2 Written or Printed Words

(1) Investigation of seditious statements appearing in written or printed material should include inquiries extending beyond analysis and examination of alleged seditious expressions themselves.

(2) If statements appear in a publication regularly issued, obtain copies of the publication circulated before and after issue in question and analyze from standpoint of ascertaining its seditious content and establishing criminal intent of prospective defendants.

(3) Analysis of seditious statements should seek to determine whether statements are in fact original or plagiarized reproduction or quotation from other sources.

(4) In some cases, it may be necessary to examine content of each issue for a period of several months to develop seditious character of publication. In such cases, analysis of any one issue may fail to disclose clearly seditious statements, whereas quantitative analysis of number of issues may establish constant emphasis and frequent repetition of same themes. Half-truths, continual slanting of facts, habitual dishonest presentation and interpretation of world and national events are cumulative in effect and may be seditious as a matter of law. Efforts should be made to establish repetition of same themes and same treatment of them in number of issues.

(5) Completely identify group or organization responsible for authorship, printing, and publication of printed or written material in question. Inquiry should not overlook possible collaboration, sponsorship, support, and financial assistance of outside individuals and other organizations. Consider possibility of subsidy and influence by foreign sources. [redacted]

(6) [redacted]

(7) [redacted]

b2/b7E

(8) [redacted]

(9) [redacted]

(10) Under first offense defined in Title 18, USC, Section 2388, dealing with false reports or statements, courts have held not necessary to prove such false reports or statements were made to persons who are or are liable to become members of the military forces.

(11) [redacted] b2/b7E

(12) [redacted]

(13) [redacted]

(14) [redacted]

(15) [redacted]

EFFECTIVE: 01/31/78

14-5 VENUE

Department has advised no sedition case has raised question of venue. Venue must in all cases be determined by Office of U. S. Attorney.

EFFECTIVE: 01/31/78

14-6 PENALTIES - MAXIMUM

(1) Section 2387 - $10,000 or 10 years, or both, and ineligibility for Government employment for five years after conviction.

(2) Section 2388 - $10,000 or 20 years, or both. Harboring - $10,000 or 10 years, or both.

EFFECTIVE: 01/31/78

14-7 CHARACTER - SEDITION

(1) Where reports are prepared involving possible violation of sedition statutes and Selective Service Act, following rule as to character of case is to apply:

(a) Where individual endeavors to counsel, aid, or abet another individual to evade provisions of Selective Service Act, case should be carried under character, "Selective Service Act."

(b) Where an organization counsels, aids, or abets a group of individuals, character should be shown as "Selective Service Act - Sedition."

EFFECTIVE: 01/31/78