SECTION 91. BANK ROBBERY, BANK BURGLARY, BANK LARCENY, BANK EXTORTION

91-1 BACKGROUND

The Bank Robbery and Incidental Crimes Statute, Title 18, U.S. Code (USC), Section 2113, was enacted in 1934 making it a Federal violation to rob any national bank or state member bank of the Federal Reserve System. Investigative jurisdiction under this statute was delegated to the FBI. In 1935 this statute was amended to include all banks insured by the Federal Deposit Insurance Corporation (FDIC) or the Federal Savings and Loan Insurance Corporation (FSLIC). In 1937 this statute was expanded to include the violations of bank burglary and bank larceny. In 1950 this statute was amended to cover federally insured savings and loan associations. In 1959 this statute was amended to cover Federal credit unions. |In 1986 this statute was amended to include bank robberies committed by extortion.|

EFFECTIVE: 10/26/87

91-2 BANK ROBBERY AND INCIDENTAL CRIMES STATUTE AND PENALTIES

EFFECTIVE: 10/26/87

| 91-2.1 Bank Robbery|and Bank Extortion|, Title 18, USC, Section 2113(a)

"Whoever, by force and violence, or by intimidation, takes, or attempts to take, from the person or presence of another,|or obtains or attempts to obtain by extortion,|any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association, shall be fined not more than $5,000 or imprisoned not more than twenty years, or both."

EFFECTIVE: 10/26/87

91-2.2 Bank Burglary, Title 18, USC, Section 2113(a)

"Whoever enters or attempts to enter any bank, credit union, or any savings and loan association, or any building used in whole or in part as a bank, credit union, or as a savings and loan association, with intent to commit in such bank, credit union, or in such savings and loan association, or building, or part thereof, so used, any felony affecting such bank, credit union, or such savings and loan association and in violation of any statute of the United States, or any larceny shall be fined not more than $5,000 or imprisoned not more than twenty years, or both."

EFFECTIVE: 10/26/87

91-2.3 Bank Larceny, Title 18, USC, Section 2113(b)

"Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value exceeding $100 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined not more than $5,000 or imprisoned not more than ten years or both; or

"Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value not exceeding $100 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or a savings and loan association, shall be fined not more than $1,000 or imprisoned not more than one year, or both."

EFFECTIVE: 10/26/87

91-2.4 Receiving and Possession, Title 18, USC, Section 2113(c)

"Whoever receives, possesses, conceals, stores, barters, sells, or disposes of, any property or money or other thing of value which has been taken from a bank, credit union, or a savings and loan association, in violation of subsection (b) of this statute, knowing the same to be property which has been stolen, shall be subject to the punishment provided by said subsection (b) for the taker."

EFFECTIVE: 10/26/87

91-2.5 Assault or Life In Jeopardy, Title 18, USC, Section 2113(d)

"Whoever, in committing, or in attempting to commit, any offense defined in subsections (a) and (b) of this statute, assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device, shall be fined not more than $10,000 or imprisoned not more than twenty-five years, or both."

EFFECTIVE: 08/27/90

91-2.6 Kill or Kidnap, Title 18, USC, Section 2113(e)

"Whoever, in committing any offense defined in this section, or in avoiding or attempting to avoid apprehension for the commission of such offense, or in freeing himself or attempting to free himself from arrest or confinement for such offense, kills any person, or forces any person to accompany him without the consent of such person, shall be imprisoned not less than ten years, or punished by death if the verdict of the jury shall so direct."

EFFECTIVE: 08/27/90

91-2.7 Definition of Bank, Title 18, USC, Section 2113(f)

"As used in this section the term 'bank' means any member bank of the Federal Reserve System, and any bank, banking association, trust company, savings bank, or other banking institution organized or operating under the laws of the United States, and any institution the deposits of which are insured by the Federal Deposit Insurance Corporation."

EFFECTIVE: 08/27/90

91-2.8 Definition of Credit Union, Title 18, USC, Section 2113(g)

"As used in this section the term 'credit union' means any Federal credit union and any State-chartered credit union the accounts of which are insured by the National Credit Union Administration Board, and any 'Federal credit union' as defined in section 2 of the Federal Credit Union Act."

EFFECTIVE: 08/27/90

91-3 COMMENTS AND CLARIFICATIONS REGARDING THE BANK ROBBERY AND INCIDENTAL CRIMES STATUTE (BRICS)

EFFECTIVE: 08/27/90

91-3.1 Robbery of Bank Messengers

A bank messenger delivering money, etc., to or from a bank covered under the BRICS is considered to have custody and control of the above property on behalf of the bank. A robbery of said property from the messenger is a violation of Section 2113(a), Bank Robbery.

EFFECTIVE: 08/27/90

91-3.2 Robbery of an Armored Carrier

Robbery of an armored carrier may be a violation of Title 18, USC, Section 2113. However, to ensure uniformity, all robberies of armored carriers are to be investigated as Hobbs Act - Armored Carriers violations. (See Part I, Section 192, of this manual, for complete details.)

EFFECTIVE: 08/27/90

91-3.3 Bank Night Depositories

(1) Regardless of the contractual relationship between the bank and the depositor, such deposits are considered to be within the care, custody, and control of the bank based on the bailment situation created when the deposit is made.

(2) A break-in or attempted break-in of a bank night depository with the appropriate intent constitutes a bank burglary violation. Under these circumstances, if deposits are stolen, a bank larceny violation also exists.

(3) An unsuccessful attempt to intercept or trap deposits placed in a bank night depository with the appropriate intent by means of a device constitutes an unlawful attempt to enter the bank within the meaning of the BRICS and constitutes a bank burglary violation. Under these circumstances, if deposits are stolen, a bank larceny violation also exists.

EFFECTIVE: 10/26/87

91-3.4 Automated Teller Machines (ATMs)

(1) In the early 1970s, ATMs were established both on and off bank premises by federally insured financial institutions.

(2) ATMs provide services ranging from the transfer of funds from one account to another, accepting payments on installment loans, or receiving deposits. An ATM can also dispense cash to a set limit and debit it to the customer's savings or checking account.

(3) For legal purposes, an ATM is a bank or branch bank within the meaning of the BRICS.

(4) The money, deposits, or other things of value which are received by or contained within an ATM belong to or are in the care, custody, or control of the bank.

(5) An ATM located off premises may be serviced solely by the bank or by a third party under contract with the bank.

(6) An ATM by definition is not manned, therefore, the robbery provisions of the BRICS are not applicable; however, a bank burglary or bank larceny violation may occur in connection with an

ATM.

(7) A break-in or attempted break-in of an ATM of a federally insured banking institution is a bank burglary violation.

(8) A break-in of an ATM of a federally insured banking institution where money or another thing of value is taken with intent to steal or purloin constitutes both a bank burglary and bank larceny violation.

(9) To fraudulently obtain money or another thing of value from an ATM by using a forged, counterfeit or stolen access card under false pretenses is a bank larceny violation.

EFFECTIVE: 10/26/87

91-3.5 Larceny, Larceny by Trick, and False Pretenses in Relation to Bank Larceny

(1) In order for a bank larceny violation to exist, the elements of common law larceny, larceny by trick or false pretenses must be present.

(2) Common law larceny is defined as the taking and carrying away of the personal property of another without his/her consent with intent to steal.

(3) Larceny by trick is defined as obtaining mere possession and not title to the personal property of another by fraudulent representations with intent to steal.

(4) False pretenses are defined as obtaining both possession and title to the personal property of another by fraudulent representations with intent to steal.

(5) If a bank is victimized by means of larceny by trick, such as presentation of bogus coin rolls, quick change schemes, obtaining money or another thing of value from an ATM by using a forged, counterfeit, or stolen access card, etc., there has been a bank larceny violation.

(6) If a bank is victimized by means of larceny by trick, such as a subject posing as an armored car employee authorized to pick up certain funds for delivery to a stated place, it is a bank larceny

violation. This is based on the fact that the victim bank, based on the false representations, merely intended to turn over possession and not title of the funds to the subject.

(7) It should be noted that Section 2113(b) only applies where the amount of money involved exceeds $100.00 and there is an actual taking or carrying away with intent to steal or purloin the money or other thing of value. In any situation in which there is doubt whether or not a bank larceny violation has occurred, the USA should be promptly consulted for a legal opinion.

EFFECTIVE: 10/26/87

91-3.6 Attempted Bank Larcenies

It should be noted that Section 2113(b), Bank Larceny, does not contain a provision for an attempted bank larceny and covers only situations in which an actual bank larceny occurs. However, in a situation involving an attempted bank larceny by a burglary, the second paragraph of Section 2113(a), Bank Burglary, will apply even though Section 2113(b), Bank Larceny, does not.

EFFECTIVE: 10/26/87

91-3.7 Theft Not Necessary In a Bank Burglary Violation

(1) A bank burglary violation, Section 2113(a), occurs when the subject forcibly enters or attempts to enter a banking institution with intent to commit any larceny or any felony affecting such banking institution and in violation of any statute of the United States.

(2) It is not necessary that the subject actually steal any property belonging to, or in the care, custody, control, management, or possession of the banking institution in order to be prosecuted for bank burglary. If, during the commission of a bank burglary, the subject actually steals any property, as set forth above, he/she has also committed a bank larceny violation in addition to a bank burglary violation.

EFFECTIVE: 08/27/90

91-3.8 Theft From Safe-Deposit Boxes

Although the contents of a safe-deposit box belong to the box holder and they are not federally insured, a theft from a safe-deposit box during a bank burglary constitutes bank larceny since the contents are in the care of the bank within the meaning of the BRICS.

EFFECTIVE: 08/27/90

91-3.9 Receiving or Possession of Bank Robbery, Bank Burglary, Bank Larceny or Bank Extortion Loot

Under Section 2113(c), Receiving and Possession, it would appear that this offense covers only property, money, or other things of value received or possessed from a bank larceny; however, this section also covers property, money, or other things of value received or possessed from a bank robbery, bank burglary or bank extortion.

EFFECTIVE: 08/27/90

91-3.10 Prosecution for Receiving and Possession

Under Section 2113(c), Receiving and Possession, it is not necessary to prove that the subject knew the property, money, or other thing of value was taken from a bank, credit union, or savings and loan association, in violation of the BRICS, only that the subject knew that the property, money or other thing of value was stolen. |Pursuant to Title 18, USC, Section 21, the element of guilty knowledge may also be established by proof that the defendant believed that the property, money or other thing of value was stolen, after or as a result of an official representation as to the nature of the property (see MIOG, Part II, 1-1.12).|

EFFECTIVE: 10/23/95

91-3.11 Death Penalty

Under Section 2113(e), the death penalty provision has been ruled invalid.

EFFECTIVE: 08/27/90

91-3.12 Savings and Loan Association

For purposes of clarification, under Section|2113(f),|the term |"bank"|includes the following banking institutions:

(1) A Federal savings and loan association.

(2) An institution insured by the Federal Deposit Insurance Corporation's Savings Association Insurance Fund.

(3) |Deleted|

(4) |Deleted|

EFFECTIVE: 08/27/90

||91-3.13| Federal Land Bank

(1) A Federal land bank operating under a charter issued by the Farm Credit Administration is a banking institution operating under the laws of the United States and, accordingly, is covered under the BRICS.

(2) It should be noted, however, that Federal land banks do not accept deposits, deal primarily in mortgages and, therefore, are not a likely target for a 91 subject.

EFFECTIVE: 08/27/90

||91-3.14| State Prosecution Not a Bar to Federal Prosecution

State prosecution for any offense covered under the BRICS is not a legal bar to subsequent Federal prosecution under the above statute; however, there must be compelling reasons and the Attorney General must personally approve such prosecution.

EFFECTIVE: 08/27/90

91-4 BANK PROTECTION ACT OF 1968 AND THE FEDERAL CREDIT UNION ACT

EFFECTIVE: 08/27/90

91-4.1 Bank Protection Act (BPA) of 1968

(1) The BPA of 1968, Public Law 90-389, was enacted on 7/7/68 and provides that Federal regulatory agencies shall "promulgate rules establishing minimum standards with which each bank or savings and loan association must comply with respect to the installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries and larcenies and to assist in the identification and apprehension of persons who commit such acts."

(2) Under the above Act, the following Federal regulatory agencies regulate the following financial institutions:

(a) Comptroller of Currency - national banks and banks located in the District of Columbia;

(b) Federal Reserve System (FRS) - state-chartered banks that are members of the FRS;

(c) Federal Deposit Insurance Corporation (FDIC) - state-chartered banks that are not members of the FRS but the accounts of which are insured by the FDIC;

(d) Office of Thrift Supervision - Federal savings and loan associations and institutions and state-chartered savings and loan associations and institutions, the accounts of which are insured by the Federal Deposit Insurance Corporation's Savings Association Insurance Fund.

(e) Credit unions are not covered under this Act. Refer to the Federal Credit Union Act citation, 91-4.2.

(3) The regulations of the Federal regulatory agencies were originally published in the Federal Register, Volume 34, Number 11, dated 1/16/69, with certain amendments published in the Federal Register, Volume 38, Number 194, dated 10/9/73, copies of which are available in each office.

(4) All Agents working 91 matters must be familiar with the above regulations. In general, these regulations require certain minimum mandatory security devices and procedures and others that are discretionary, subject to changes ordered by the responsible Federal regulatory agencies.

(5) Mandatory security devices include:

(a) A lighting system during the hours of darkness in the vault area if visible from the outside.

(b) Tamper-resistant locks on exterior doors and windows.

(c) An alarm system or other appropriate device for promptly notifying the nearest responsible law enforcement officers of an attempted or perpetrated robbery or burglary.

(6) Mandatory security procedures include:

(a) The development and utilization of a security program with certain characteristics.

(b) Bait money, comprised of Federal Reserve notes with denominations, bank of issue, serial numbers, and series year recorded, maintained at each teller's station.

EFFECTIVE: 08/27/90

91-4.2 Federal Credit Union Act (FCUA)

(1) The FCUA, amended by Public Law 91-468, enacted on 10/19/70, provides that the Administrator, National Credit Union Administration (NCUA), shall insure the accounts of all Federal credit unions and those state-chartered credit unions who apply for this insurance.

(2) The regulations of the NCUA, which established minimum mandatory security devices and procedures for the above credit unions to discourage robberies, burglaries and larcenies and to assist in the identification and apprehension of persons who commit such acts, became effective on 6/15/71, and copies of these regulations are available in each office.

(3) The minimum mandatory security devices and procedures established by the NCUA under the FCUA are quite similar to the regulations established by the Federal regulatory agencies under the BPA of 1968, and all Agents working 91 matters must be familiar with these regulations.

EFFECTIVE: 10/26/87

91-4.3 Requests by Financial Institutions for FBI Evaluation of Security Devices, Procedures, and Programs

(1) The regulations of the Federal regulatory agencies under the BPA of 1968 and the FCUA also state that the bank security officer may provide for the installation, maintenance, and operation of other security devices after seeking the advice of law enforcement officers and any other appropriate sources.

(2) The above regulations do not require the FBI to furnish financial institutions with an evaluation of their mandatory and/or discretionary security devices and procedures; however, as a matter of policy, it is permissible and desirable for the FBI to orally recommend and encourage their use. For obvious reasons, the FBI should not identify or endorse related equipment by name or manufacturer as being the most desirable.

EFFECTIVE: 02/16/89

91-4.4 Reporting Noncompliance with Mandatory Security Regulations by Financial Institutions to FBIHQ

(1) Enforcement of the mandatory security devices and procedures required by the five Federal regulatory agencies under the BPA of 1968 and the FCUA is the responsibility of the above agencies and the DOJ.

(2) If during the course of an investigation it is determined that a financial institution covered under these Acts is not in compliance with the mandatory security devices and procedures, a letterhead memorandum (LHM), original and four copies, should be submitted to FBIHQ by airtel, marked Attention: |Violent|Crimes Unit, Criminal Investigative Division.

(3) The cover airtel should set forth the proper case title as normally reported; however, the title of the LHM should set forth only the identity and location of the financial institution involved. The body of the cover airtel should identify the Federal regulatory agency which has responsibility for the financial institution involved and a request for FBIHQ to disseminate copies of the enclosed LHM to the Federal regulatory agency and the DOJ. The body of the LHM should set forth a succinct summary of the 91 violation, the date of occurrence and the security violation committed. The body of the LHM should not set forth the identities of any subjects or suspects.

(4) FBIHQ, upon receipt of the above LHM, will forward one copy each to the appropriate Federal regulatory agency and the General Litigation and Legal Advice Section, Criminal Division, Department of Justice, for their consideration in initiating action to correct the situation.

(5) Under the BPA of 1968 and FCUA, a financial institution that violates a mandatory security regulation shall be subject to a civil penalty not to exceed $100 for each day of future noncompliance.

EFFECTIVE: 02/16/89

91-5 INVESTIGATIVE POLICY AND OBJECTIVE IN BANK ROBBERY, BANK BURGLARY, BANK LARCENY AND BANK EXTORTION VIOLATIONS

EFFECTIVE: 02/16/89

91-5.1 Investigative Policy

The FBI's investigative policy in 91 cases is an immediate measured Agent response by all offices to all violations of the Bank Robbery and Incidental Crimes Statute, with subsequent investigations utilizing sufficient Agent manpower to ensure effective handling of all incidents.

EFFECTIVE: 02/16/89

91-5.2 FBI's Objective

The FBI's objective in 91 cases is to intelligently utilize all allocated funded resources to achieve the maximum federal and local solution rate and prosecutive results possible.

EFFECTIVE: 10/18/95

91-5.3 Manpower Commitments (See MIOG, Part I, 91-9.1.)

FBIHQ is aware that many offices are continually encountering manpower problems in meeting their investigative responsibilities. As a consequence, it is recognized that it may not be possible or desirable to commit extensive manpower resources to every bank robbery, bank burglary, and bank larceny investigation. Those offices having well-trained, effective local law enforcement agencies may have to consider exercising the necessary flexibility in conjunction with local authorities especially when responding to routine bank robbery, bank burglary, and bank larceny violations. The number of Agents responding, the extent of investigation to be conducted and the length of time a case should be kept in a pending status should be determined by responsible supervisory personnel. It must be clearly understood, however, that the FBI must continue to fully meet its investigative responsibilities in this area.

EFFECTIVE: 10/18/95

91-5.4 Guidelines For Closing Cases

In determining how long a bank robbery, bank burglary, bank larceny or bank extortion case should be kept in a pending status and active investigation conducted when no leads or suspects have been developed, the following policy should be adopted in those cases wherein investigation was instituted.

(1) When an aggressive and thorough investigation has been conducted in a bank burglary/bank larceny case where the loss is less than $10,000.00 and no leads or suspects have been developed or appear to be forthcoming, the case should be closed within six months. If suspects or new leads are independently developed, the case should be reopened and the investigation reinstituted.

(2) In regard to bank robberies, bank extortions, and bank burglaries/bank larceny cases where the loss exceeds $10,000.00, it should be understood that the above within-six-month closing policy does not apply due to the inherent seriousness of these violations. These cases should be aggressively and thoroughly investigated for no less than six months before any consideration is given to closing the case due to lack of leads or suspects. Every investigative option must be exhausted and it must be determined that no further evidence is forthcoming. Prior to closing, each case should be judged on its merits, and any doubts whether a case should be closed or remain pending should be resolved in favor of continuing the investigation for whatever time period within the Statute of Limitations is required to solve it or justify its closing.

EFFECTIVE: 10/18/95

91-5.5 Response and Subsequent Investigative Plan

|(1)| FBIHQ does not believe it is feasible to develop a response and subsequent investigative plan that can be molded to fit each office. Therefore, each SAC will be responsible for the development of a response and subsequent investigative plan, if not already in effect, that will fit the needs of his/her particular office while still fulfilling the FBI's investigative responsibilities. The data, statistics, and factors to be considered in measuring the soundness and effectiveness of each office's bank robbery, bank burglary, bank larceny and bank extortion response and subsequent investigative plans are readily available within each office.

|(2) Each Agent who may respond and/or conduct investigations involving 91 violations should be made aware of this overall plan and be familiar with all its phases.

(3) This overall plan should be reviewed annually by responsible field supervisory personnel to ensure that it is adequately revised to meet changing conditions.|

EFFECTIVE: 08/27/90

91-6 |DELETED|

EFFECTIVE: 08/27/90

91-7 |DELETED|

EFFECTIVE: 08/27/90

91-8 IMMEDIATE INVESTIGATIVE STEPS TO BE TAKEN AT THE SCENE OF A 91 VIOLATION

(1) Establish liaison with local authorities at the scene in order to coordinate the investigation.

(2) Ensure that the crime scene area is protected in order that an appropriate crime scene search can be subsequently conducted.

(3) Promptly obtain a physical description of the subject, his/her clothing, whether armed, bait money taken, getaway vehicle, escape route, and disseminate this information immediately in an effort to apprehend the subject in the area.

(4) Obtain the bank surveillance camera films for prompt processing.

(5) If a demand note was utilized, obtain possession for prompt submission to the FBI Laboratory for examination. See 91-17 of this manual.

(6) Determine the extent and scope of the neighborhood investigation required.

(7) Interview the bank employees and other witnesses at the scene for complete details of the violation and the identities of other possible witnesses. Information furnished which may become testimony should be recorded by FD-302 or a signed statement. In certain situations a signed statement is preferred, such as when a witness is a potential suspect, makes a positive identification of the subject from photographs or personal observation, or where there is reason to believe that the witness may become uncooperative and recant at a later date.

(8) Display appropriate photographs of logical 91 subjects and suspects to the witnesses in an effort to identify the subject at the outset of the investigation. See Section 6-4 of the Legal Handbook For Special Agents entitled "Photographic Identification."

(9) If a stolen getaway vehicle is known or suspected to have been used by the subject, it will often be abandoned by the subject shortly thereafter for a switch car. Based on this premise, ensure that efforts are instituted to locate the getaway car for purposes of a search, latent print examination, area neighborhood

investigation, and a description of the switch car.

(10) Conduct an appropriate crime scene search at the victim bank. See 91-9 of this manual.

(11) If a hoax bomb device is utilized in the commission of a 91 violation, the entire device, or fragments thereof, should be obtained and submitted with all other evidence to the|Materials and Devices Unit,|Laboratory Division. See Part II, Sections 13-6.7 and 13-16.6, of this manual.

EFFECTIVE: 04/07/97

91-9 CONDUCTING A 91 CRIME SCENE SEARCH

(1) This citation is not intended to be all inclusive. For further details and instructions regarding crime scene searches, latent prints, evidence, and possible examinations of said evidence, refer to this manual, Part II, 13-6.4, entitled "Crime Scene Search," 15-3 entitled "Latent Print Examinations," 15-4, entitled "Submission of Evidence," Section 13, entitled "Laboratory Division Aids to Investigations," Section 5 of the Legal Handbook for Special Agents entitled "Search and Seizure," and the June, 1974, Police Instructor's Bulletin entitled "Crime Scene Search."

(2) There are four cardinal rules that should be followed in every 91 crime scene search.

(a) The first rule is to protect the crime scene to ensure that any possible evidence is not destroyed or contaminated. Protecting the crime scene is a continuous process which must start upon the arrival of the first Special Agent or police officer at the scene and continue until the crime scene search is completed.

(b) The second rule is to obtain the physical evidence legally. In most instances the 91 crime scene will consist of the bank premises and escape route which are not under the legal control of the subject; therefore, his/her consent or a search warrant will not be required to conduct a search of these areas. However, in other specific instances such as those involving the subject's residence, apartment, motel room, place of employment, vehicle, or getaway car, it is necessary to obtain his/her consent or a search warrant before the crime scene search can be legally conducted. It

should be noted that searches of the above areas conducted incidental to arrest are limited as to area and point of time; therefore, depending on the scope of the intended search, the subject's consent or a search warrant may be necessary.

For further details regarding searches, see Section 5 of the Legal Handbook for Special Agents entitled "Search and Seizure." Whenever the legality of the intended search is in doubt, the Principal Legal Advisor or an appropriate AUSA should be contacted for a legal opinion prior to the search being conducted.

(c) The third rule is to conduct the crime scene search properly. A thorough search should be conducted in order to ensure that any physical evidence is not overlooked. If in doubt regarding whether a particular item is actually physical evidence or has potential evidentiary value, it should be collected and properly marked and preserved for identification and examination purposes.

(d) The fourth rule is to maintain the proper chain of custody of the evidence collected so that it can be successfully introduced into evidence at the time of trial.

(3) After ensuring that the 91 crime scene is protected, the four basic steps in conducting the crime scene search, in essence, are as follows:

(a) Conduct a preliminary survey of the crime scene in order to establish the overall situation and the objectives and the extent of the search.

In bank burglary violations it is essential to describe in complete detail by FD-302 the method by which the subject gained entrance to the bank and the subject's actions within the bank involving the alarm system, safe, vault, cash drawers, safe-deposit boxes, etc.

(b) Photograph the overall crime scene and the physical evidence located therein.

(c) Conduct a latent print examination.

(d) Collect, record, mark, and preserve the physical evidence recovered at the crime scene.

(4) In addition to the collection of the obvious physical evidence in bank burglary violations, efforts should be directed toward the collection of possible "transfer evidence." Whenever two

surfaces contact each other, there is a partial transfer of material from one to the other. Typical examples are the subject's clothing, shoes, and vehicle picking up building materials when forcibly entering a bank and safe insulation when forcibly entering a safe. Samples of the appropriate possible "transfer evidence" should be collected at the crime scene for future comparison purposes with the subject's or suspect's clothing, shoes, and sweepings from his/her vehicle in an effort to place him/her at the crime scene.

(5) In regard to bank burglary toolmarks, a thorough examination of the forced entry area and other points of attack within the bank should be conducted in an effort to obtain them for future comparison purposes. The toolmark impressions may be obtained by taking possession of the surrounding area or by casting, whichever is more appropriate.

EFFECTIVE: 10/26/87

91-9.1 Sharing or Delegating Crime Scene Search Responsibilities with Local Authorities

(1) Under our investigative policy and objectives in 91 violations (see 91-5.3 of this manual), FBI offices having well-trained, effective local law enforcement agencies may share or delegate crime scene search responsibilities mutually agreed upon with local authorities.

(2) It should be noted, however, that any such mutual agreement must ensure that the crime scene search is properly conducted and, if appropriate, all evidence recovered by local authorities is available to your office for transmittal to the FBI ||Laboratory Division| for examination.

(3) In those 91 violations in which FBI investigation is instituted and local authorities do not have the capabilities to conduct a proper crime scene search, the crime scene search should be conducted by or under the direction of the FBI.

EFFECTIVE: 09/24/93

91-10 FBI SURVEILLANCE OF SUBJECTS AND/OR BANKS INVOLVING A CONTEMPLATED 91 VIOLATION

(1) It is the responsibility of the SAC to formulate a course of action and to decide if Special Agents will conduct a surveillance of a subject and/or a bank when information is developed indicating that a 91 violation will be committed involving a known subject and bank, a known subject and unknown bank, or an unknown subject and known bank.

(2) In making the above decision, the SAC must consider all the available facts, including the source's reliability and the FBI's responsibility to avoid unnecessarily endangering human lives.

(3) Because of the danger factor and potential local violations involved, appropriate local law enforcement agencies and bank officials must be notified of contemplated violations unless a valid reason exists for not making such notification.

(4) If a surveillance will be instituted in a case involving more than one subject, the SAC's plan of operation should include the objective of apprehending the subjects on conspiracy charges before they enter the bank in order to minimize the danger to bank employees and other innocent bystanders.

(5) Where appropriate, investigative efforts should be made to develop conspiracy charges and the facts should be promptly presented to the USA to determine if he/she will authorize the apprehension of the subjects for conspiracy. If not, determine from him/her what further actions by the subjects are necessary in order for him/her to make said authorization. Arrangements should be made with the USA to ensure that he/she can be immediately contacted, if necessary, and advised of pertinent developments.

(6) Due to the high potential for physical violence occurring, if the SAC makes the decision to institute a surveillance of the subject, subjects, and/or bank, the SAC or, in his/her absence from the territory, the ASAC and/or 91 Supervisor must afford personal on-the-scene supervision of the surveillance, and every detail of the operation must be thoroughly planned.

(7) Prior FBIHQ authority is not required to conduct surveillances of subjects and/or banks in contemplated 91 violations.

(8) FBIHQ should be notified beforehand of the surveillance by telephone and/or teletype only if unusual

circumstances exist or if it appears that the case will receive widespread publicity.

(9) In instances where FBIHQ is not notified beforehand of the surveillance, for reasons set forth above, and the subject or subjects are subsequently arrested, FBIHQ should be notified by telephone and/or teletype depending on the circumstances of the arrest, publicity received, or other unusual factors involved.

(10) As noted in number (3) above, in the absence of a valid reason, local law enforcement agencies must be notified of contemplated violations. In regard to the actual FBI surveillance of the subject and/or bank, consideration should be given to having an appropriate number of local law enforcement representatives, if willing, participate in the surveillance to ensure appropriate liaison and responsibility for any local violations that may occur.

EFFECTIVE: 10/26/87

91-11 EXTORTIONATE DEMANDS RECEIVED BY BANK OFFICIALS FOR BANK FUNDS

EFFECTIVE: 10/26/87

91-11.1 Potential FBI Violations

(1) |On November 10, 1986, The President signed into law the "Criminal Law and Procedure Technical Amendments Act of 1986," which amended Title 18, USC, Section 2113(a), to explicitly include bank robberies committed by extortion. The term "extortion" as used in Title 18, USC, Section 2113(a), means obtaining or attempting to obtain property from another person without the other person's consent, induced by the wrongful use of actual or threatened force, violence, or fear. This means that the FBI will have jurisdiction in extortion matters when a bank official receives a threat of physical injury to himself/herself or a member of his/her family through United States mail, by telephone, note, or in person, and is instructed to take bank funds and physically deliver them to an individual off the bank premises or leave them at a designated drop-site.|

(2) In addition, it is a Federal extortion violation if the demand for bank funds is made through the United States mail or by

interstate telephone call and a Federal kidnaping violation if the bank official or a member of the bank official's family is taken hostage and transported interstate.

(3) It is a bank extortion violation even if the bank official makes no effort to comply with the subject's extortionate threat and demand to physically deliver bank funds to him/her in person, or leave them at a designated drop-site.

(4) It is a bank extortion violation when the bank official attempts to comply with the subject's demand, and the subject does not meet the bank official to take, or attempt to take, the bank funds from his/her person or presence, or does not take the bank funds which were placed at the designated drop-site.

(5) [redacted] b2/b7E

(6) [redacted]

EFFECTIVE: 10/26/87

91-11.2 Decisions to Make the Payoff and to Cover the Payoff

(1) In some cases the victim bank official will comply with the subject's demand for bank funds without first notifying his/her bank or the FBI; therefore, the decision whether to make or cover the payoff cannot be made and the FBI will not be able to promptly institute its investigation beforehand.

(2) In the above situation, especially when a hostage was not taken, the possibility that the bank official stole the bank funds rather than the subjects should not be overlooked.

(3) In those instances where the victim bank and the FBI are notified beforehand by the bank official of the subject's demand for bank funds, certain factors will have to be closely considered before a decision can be made regarding whether the subject's demand should be complied with by the bank and whether the payoff should be

covered by the FBI.

(4) The most important consideration regarding the above decisions is the safety of the victim bank official and/or family member. The degree of danger will vary from case to case and must be assessed accordingly in reaching a decision. For example, in a case where the subject is actually holding the bank official's spouse hostage and threatens to kill the hostage unless subject's demands are met, it is obvious that the danger factor is far more real and imminent than in a nonhostage case where the subject threatens to kill the bank official and/or spouse if official fails to comply with subject's demands.

(5) [redacted]

(6) The decision whether or not to pay the subject's demand is the bank's decision to make and will be influenced by the danger factor [redacted]

(7) [redacted]

(8) [redacted]

[redacted]

(9) [redacted]

EFFECTIVE: 10/26/87

||91-11.3 Extortion Matters - Investigative Techniques

EFFECTIVE: 10/26/87

| 91-11.3.1 [redacted]

(1) [redacted]

(2) [redacted]

EFFECTIVE: 10/26/87

| 91-11.3.2 [redacted]

(1) [redacted]

(2) [redacted]

[redacted]

EFFECTIVE: 10/26/87

91-11.3.3 [redacted]

EFFECTIVE: 10/26/87

91-12 OFFICE OF ORIGIN (OO) NOTIFICATION TO FBIHQ, SURROUNDING OFFICES, AND OTHER OFFICES OF 91 AND 192C VIOLATIONS BY FD-430 AND TELETYPE

EFFECTIVE: 10/26/87

91-12.1 Notification to FBIHQ (See MIOG, Part I, 15-4(9), 87-5.3.2, & 192-11.1; MAOP, Part II, 9-6.)

(1) FBIHQ shall be notified of every bank robbery, bank burglary, bank larceny and bank extortion violation within 30 working days of the offense by FD-430 with available bank surveillance camera photographs attached.

(2) The above notification to FBIHQ should not be delayed beyond the 30-day working period awaiting processing of the photographs, which may be forwarded afterward by a separate communication or by routing slip.

(3) In addition, FBIHQ should be promptly notified by telephone and/or teletype in 91 cases of unusual interest such as

those in which a shooting occurs, a hostage is taken, a large loss is sustained, or where good judgment dictates. FBIHQ should also be advised of all subsequent major developments in these cases by summary teletype. The initial teletype notification to FBIHQ does not eliminate the necessity of the FD-430 submission to FBIHQ within|30|working days.

(4) The FD-430 must contain the OO file number.

(5) After the initial FD-430 submission to FBIHQ, if it is determined that no FBI violation actually occurred, the OO should submit a supplemental FD-430 in order to delete the violation from the bank crime statistics maintained at FBIHQ.

(6) Title changes may be made by supplemental FD-430 as long as the basis for the change is set forth thereon. When an unidentified subject who is included in the National Bank Robbery Album (NABRA) is identified, cancellation of the NABRA circular can be made by checking the appropriate box located on Form FD-430 and by including a request for FBIHQ to cancel the NABRA in an administrative page attached to the supplemental FD-430 (see 91-19 for further details regarding the issuance and cancellation of NABRA circulars).

(7) Cases may be opened and closed upon the submission of the FD-430 to FBIHQ under certain appropriate circumstances such as when a strong local interest is dominant and the USA declines prosecution at the outset of the investigation. This closing procedure does not eliminate the necessity to comply with the FBI's investigative response policy in 91 matters (see 91-5.1), and those investigative results obtained are to be recorded by FD-302 or investigative insert and maintained in the field office file for possible future needs. |(See MAOP, Part II, 2-5.2.4.)|

(8) An FD-430 with the solution portion completed must be submitted before solution credit can be recorded at FBIHQ. Solution credit may be claimed only in those cases in which all subjects involved have been identified. When a case is solved after the initial FD-430 submission, submit a supplemental FD-430 with only the solution portion completed. Violation and solution data submitted by this form will be furnished to each field office at the close of the fiscal year for verification of this information recorded at FBIHQ.

(9) It is imperative that all FD-430 entries are correct since FBIHQ disseminates pertinent data from these forms to the Federal financial regulatory agencies, the American Bankers Association, and other qualified recipients who are concerned with

crimes against financial institutions.

(10) In all Hobbs Act - Armored Carrier cases, an FD-430 must be submitted within|30|working days of the offense. See Part I, Section|192-11.1|of this manual for details.

EFFECTIVE: 11/30/93

91-12.2 Notification to Surrounding Offices and Other Offices

(1) In addition to notifying FBIHQ of all 91 violations, the OO shall|determine if regional or other field office notification is necessary. Absent photographs of value, distinguishing physical characteristics or a distinguishable MO, there should be no regional distribution of FD-430's. Additionally, there should be no regional distribution of FD-430's, the purposes of which are to change titles or reflect other administrative changes. Such administrative FD-430's should be submitted to FBIHQ only. (See MIOG, Part I, 15-4(9) & 192-11.2.)|

(2) Depending on the urgency of the case and the need for specific and immediate investigation, initial notification to the above offices may be made by telephone, teletype, or FD-430.

(3) If initial notification is made to surrounding and other appropriate offices by telephone and/or teletype, these offices should also receive copies of the FD-430 which must be prepared by the OO for transmittal to FBIHQ within|30|working days of the offense.

(4) Teletype notification should include a succinct summary of the offense, the modus operandi (MO) utilized, a description of the subject, specific investigative leads, and any required caution statement. Bank camera surveillance photographs and bank burglary crime scene photographs should be forwarded by FD-430, a separate cover communication, or by routing slip. |(See MIOG, Part I, 91-16(4)(b).)|

(5) Initial notification by FD-430 should not be delayed beyond|30|working days awaiting processing of the photographs which may be forwarded afterward by a separate cover communication or by routing slip.

(6) Appropriate general leads, such as comparing instant

MO for similar bank robberies or contacting informants and local law enforcement agencies for information of value, may be set forth in the FD-430.

(7) The FD-430 should contain a statement that only positive information need be reported to the OO by receiving offices.

(8) The FBIHQ and field FD-430 copies should have a second page attached setting forth a detailed narrative summary of the offense in LHM format suitable for dissemination. The decision to disseminate the narrative page to other law enforcement agencies and other authorized institutions or individuals is left to the discretion of the receiving offices.

(9) Since FD-430s do not contain specific investigative leads for auxiliary offices, and the leads set forth, if any, are general in nature as set forth above, they should be filed in the pertinent administrative control files by the receiving offices. It is suggested that the serials be filed by date of bank robbery, state and city in that order. It is not necessary to serialize this mail if filed in a logical, consistent order nor is it necessary to index the title of the communication unless the field office firmly believes it is necessary. This is an exception to the mandatory indexing case title guidelines. The exception is justified due to the informational nature of the FD-430 and the automated availability of the Field Office Information Management System Alternate Office Index Search capability in all FBI offices. |(See MAOP, Part II, 2-3.3.1(1).)|

EFFECTIVE: 11/30/93

91-13 BANK ROBBERY, BANK BURGLARY, BANK LARCENY AND BANK EXTORTION LOOT

EFFECTIVE: 04/19/91

91-13.1 Establish Loss By Bank Officer

The bank officer, who is competent to testify regarding the bank's ownership, possession, custody, or control of the stolen property, should be interviewed in order to establish the loss by a bank audit and obtain a complete list and description of the stolen property.

EFFECTIVE: 04/19/91

b2/b7E

91-13.2 [redacted]

(1) [redacted]

(a) [redacted]

(b) [redacted]

(2) [redacted]

(a) [redacted]

(b) [redacted]

(c) [redacted]

OPCA-20 (12-3-96)

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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 indicated, explain this deletion.

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

Section 552

☐ (b)(1)
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☒ (b)(7)(E)
☐ (b)(7)(F)
☐ (b)(8)
☐ (b)(9)

Section 552a

☐ (d)(5)
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☐ (k)(1)
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☐ Information pertained only to a third party with no reference to the subject of your request or the subject of your request is listed in the title only.

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MIOG, pages 91-31, and 91-32

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FBI/DOJ

(4) [redacted]

(5) For complete details regarding stop notices and their administrative handling, see Part II, 10-7, of this manual.

EFFECTIVE: 07/23/90

91-13.6 [redacted]

(1) [redacted]

(2) [redacted]

(3) [redacted]

EFFECTIVE: 08/27/90

91-13.7 [redacted]

(1) [redacted]

(2) [redacted]

(3) [redacted]

[redacted]

(4) [redacted]

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

(a) [redacted]

(b) [redacted]

(c) [redacted]

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

(e) A statement that if any positive information is developed, immediately contact the nearest office of the FBI, the telephone number of which may be found on the first page of your telephone directory.

(f) For complete details regarding circular letters, see Part II, 21-24, of this manual.

EFFECTIVE: 08/27/90

b2/b7E

91-13.8 Counting and Reporting Recovered Bank Loot Currency

(1) The exact circumstances surrounding the recovery of known or suspected bank loot must be accurately recorded by the recovering Agent or Agents on an FD-302.

(2) In regard to the recovery of currency, it must be counted separately and independently by two Special Agents to assure the accuracy of the total and recorded on an FD-302. The fact that the currency was counted separately and independently by two Special Agents should be set forth in the body of the FD-302.

(3) The above recovery and tabulation may be recorded on one FD-302, provided that the same two Agents made the recovery and tabulation. If the recovering and tabulating Agents are not identical, two separate FD-302s should be utilized to record these events.

(4) The FD-302 setting forth the tabulation of the currency should be set up in column fashion with headings for denominations, serial numbers, series year, and bank of issue and reported according to the denomination sums in descending order.

(5) Any adding machine tapes utilized to tabulate the currency should be initialed and dated by the counting Agents and retained in the 1-A section of the case file.

(6) [redacted]

(7) [redacted]

(8) For additional information regarding recovered bank

loot involving its custody, storage, turning over to the U.S. Marshal, obtaining receipts, etc., see MAOP, Part II, 2-4.4.14, entitled "Handling of Evidence and Property by the U.S. Marshal"; 2-4.4.8, entitled "Valuable Evidence," and 2-4.4.12, entitled "Charge-Out Procedures - Evidentiary Property."

EFFECTIVE: 10/16/96

91-14 NEWS MEDIA INQUIRIES POLICY

(1) The FBI's news media inquiries policy is in strict compliance with instructions issued by DOJ concerning the release of information in criminal and civil matters. These instructions are contained in Title 28, Section 50.2, of the Code of Federal Regulations (CFR).

(2) This 91 citation is not intended to be all inclusive. For complete details regarding this topic, including a restatement of the above CFR instructions, see MAOP, Part II, 5-1, entitled "Policy and Guidelines for Relations with News Media," and 5-2, entitled "Contacts with News Media."

(3) Routine 91 press inquiries received at the field office regarding the investigation should be referred to and answered by either the SAC, ASAC, or media representative within permissible guidelines.

(4) If an investigation has been instituted, the news media inquiries should be answered by advising the FBI is investigating the case with appropriate resources and would appreciate it if they will refer any person with pertinent information directly to the FBI or to the local police.

(5) In accordance with departmental policy, no information should be volunteered at any time to the news media concerning the amount of loot obtained. Specific questions by the news media concerning the amount of loot taken may be answered following the arrest or indictment of a subject or subjects for violation of the BRICS.

(6) Subject to specific limitations imposed by law or court rule or order, under Title 28, Section 50.2, CFR, it is permissible to disclose the following information:

"A. The Defendant's name, age, residence, employment, marital status, and similar background information.

"B. The substance of the text of the charge contained in the complaint, indictment, or information.

"C. The identity of the investigating and/or arresting agency and the length or scope of the investigation.

"D. The circumstances immediately surrounding an arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest.

"E. Disclosures should include only incontrovertible, factual matters, and should not include subjective observations. In addition, where background information or facts relating to the circumstances of an arrest or investigation would be highly prejudicial or where the release thereof would serve no law enforcement function, such information should not be made public."

(7) The release of certain types of information generally tends to create dangers of prejudice without serving a significant law enforcement function; therefore, under Title 28, Section 50.2, CFR, the following information should not be disclosed:

"A. Observations about a subject's character.

"B. Statements, admissions, confessions, or alibis attributed to a subject or his refusal or failure to make a statement.

"C. Reference to investigative procedures such as fingerprints, polygraph examinations, ballistic tests, or laboratory tests, or the refusal by the defendant to submit to such tests or examinations.

"D. Statements concerning the identity, testimony, or credibility of prospective witnesses.

"E. Statements concerning evidence or legal arguments in the case, whether or not it is anticipated that such evidence or arguments will be used at trial.

"F. Any opinion as to the subject's guilt, the possibility of a plea of guilty to the offense charged, or the

possibility of a plea to a lesser offense."

(8) Only SACs, ASACs, and media representatives should participate in question-and-answer interviews with representatives of any news media at the scenes of 91 violations and apprehensions.

(9) Frequently, press inquiries will be received by Special Agents at the scene of a 91 violation or arrest. Those Special Agents, who are so approached, may make the following responses:

(a) Identify themselves as a Special Agent of the FBI.

(b) Furnish the name of the field office to which they are assigned.

(c) State the general nature of the investigative operation, such as, "We are here to investigate the bank robbery."

(d) Except in emergency situations, requests for additional information should be handled by courteously referring the news media to the field office for response by the SAC, ASAC, or media representative.

(e) In an emergency situation, a Special Agent may relay a reporter's questions to the SAC by telephone or radio, and the SAC's response thereto can be furnished to the reporter in the SAC's name by a Special Agent.

(10) The instructions contained in this 91 citation apply solely to contacts with members of the news media and in no way affect circularization of facts concerning a given violation to the law enforcement community, banks, or to other business establishments should this course of action be deemed necessary.

EFFECTIVE: 10/26/87

91-15 BANK ROBBERY - BANK BURGLARY SUSPECTS PROGRAM (BRBBSP)

EFFECTIVE: 10/26/87

91-15.1 Purpose and Objective

(1) The BRBBSP was instituted on 8/27/63 for the purpose of identifying and developing information on potential bank robbers and bank burglars. The objective of this program is to maintain this information in a current status, thereby enabling a field office to immediately consider these individuals as potential suspects when an unknown subject bank robbery or bank burglary is committed.

(2) While not mandatory, all offices are encouraged to maintain a BRBBSP. This program should be instituted by any office which is experiencing difficulty with unsolved bank robberies and bank burglaries since experience has shown that such offices have benefitted from utilizing this program.

EFFECTIVE: 10/26/87

91-15.2 Effect of the Attorney General's Guidelines on Criminal Investigations of Individuals and Organizations on the BRBBP

(1) Prior to the passage of the above guidelines on 12/22/80, the two sources for opening BRBBSP cases were the identification of a potential bank robbery or bank burglary suspect through routine independent investigation and maintaining liaison with the Bureau of Prisons (BOP), through which BRBBSP cases were opened on inmates who were released from custody after being convicted of bank robbery or bank burglary.

(2) The current Attorney General's guidelines do not prohibit the above first source of BRBBSP cases since the routine independent FBI investigation provides the "reasonable indication" basis for conducting a general criminal investigation (GCI) or the lesser basis for conducting a preliminary inquiry (PI) under this program. However, the above Attorney General's guidelines will prohibit opening a BRBBSP case and conducting either a GCI or PI on a BOP releasee since the mere fact that he/she has been previously convicted of bank robbery or bank burglary does not provide the "reasonable indication" or the lesser basis necessary for conducting a GCI or a PI.

EFFECTIVE: 10/26/87

91-15.3 Opening BRBBSP Cases

(1) After identifying a bank robbery, bank burglary or larceny suspect through routine independent investigation, an individual 91D case file should be opened and, depending on the circumstances, either a GCI or PI should be conducted.

(2) The objective of the GCI or PI, in addition to further identifying, developing, and maintaining information on a potential bank robber or bank burglar, is to determine if he/she is, in fact, involved in a prior unsolved bank robbery or bank burglary or is planning to commit such an offense.

(3) If deemed appropriate, a bank robbery, bank burglary or larceny suspect in this program may be interviewed during the course of the GCI or PI.

(4) The 91D case file should be utilized to record the suspect's complete description, employment, residence, associates, hangouts, modus operandi, cars, recent photographs, identification record, interview results, and other pertinent data.

(5) During the investigations of these suspects, the possibility of developing informants able to provide information regarding 91 cases should be pursued.

(6) During these investigations, efforts should be made to obtain the suspect's major case prints through logical sources in order that they may be transmitted to the Latent Fingerprint Section, Laboratory Division for inclusion in the suspect's identification files.

(7) For purposes of correctly reporting and maintaining investigative results and recording TURK and MAR data, if the above GCI or PI identifies the bank robbery, bank burglary or larceny suspect as being involved in a prior unsolved bank robbery, bank burglary or larceny, the 91D suspect case file should be closed and the remainder of the investigation should be reported in the existing 91A*, 91B*, or 91C case file. If the above GCI and PI determines the bank robbery, bank burglary or larceny suspect is planning or conspiring to commit an identifiable bank robbery, bank burglary or larceny, the 91D suspect case file should be closed and

all further investigation should be reported in the new 91A*, 91B*, or 91C case file.

EFFECTIVE: 09/24/93

[redacted]

refer BOP

(3) This method of operation will ensure that the FBI continues to receive the above information for possible future lead value; and upon commission of a bank robbery or bank burglary within your territory, said individuals may be considered as possible suspects, if appropriate.

(4) If subsequent information is received indicating [redacted] an individual 91A*, 91B*, or 91C case file should be opened and, depending on the circumstances, either a GCI or PI should be conducted.

EFFECTIVE: 08/27/90

91-15.5 Bank Robbery - Bank Burglary Album

(1) Each office should maintain an office bank robbery - bank burglary album to be utilized as an investigative aid whenever deemed appropriate.

(2) This album should contain photographs, descriptions, and background data of known or suspected bank robbers and bank burglars who reside within or travel into an office's territory. This album should be divided into two sections in order to separate the

bank robbers from the bank burglars.

(3) Periodic reviews of this album should be made in order that individuals no longer believed to be logically included may be removed under authority of the SAC or his/her designated representative.

EFFECTIVE: 08/27/90

|91-15.6| Notifying FBIHQ of BRBBSP Accomplishments

In order for FBIHQ to fully evaluate the fieldwide results of this program, all participating offices shall furnish the following information by airtel as part of the annual Violent Crimes Subprogram Resource Management and Allocation submission.

(1) The number of bank robbery and bank burglary suspects currently under GCI and PI investigation.

(2) A brief summary of cases solved or other accomplishments achieved as a result of this program since the previous FBIHQ notification.

(3) The number of informants developed as a result of this program since the last FBIHQ notification.

(4) The above informants' accomplishments in 91 cases and other FBI, Federal, or local violations.

EFFECTIVE: 08/27/90

91-16 BANK SURVEILLANCE CAMERA PHOTOGRAPHS

(1) The Bank Protection Act of 1968 does not require financial institutions covered under the BRICS to install surveillance cameras and said installations are discretionary on their part.

(2) [redacted]

b2/b7E

[redacted] b2/b7E

(3) Bank surveillance camera photographs of the bank robber are important investigative tools since they can be utilized to assist in the subject's identification. In addition, these photographs will record the type of weapon used and the clothing worn by the subject and if recovered from his/her possession may assist in his/her identification. In the case of clothing, if certain unique patterns or defects are recorded in the photographs, the recovery of the clothing and its examination by the FBI Laboratory may result in a positive identification. [redacted]

(4) In an effort to identify the subject, consideration should be given to wide dissemination of the bank surveillance camera photographs by:

(a) local or regional news media sources;

(b) FD-430, see 91-12.2;

(c) NABRA circulars, see 91-19; and

(d) circular letters, see Part II, 21-24, of this manual.

(5) [redacted]

(a) Interested offices should transmit 35 copies of the unknown subject's photograph to the Albany Office, Attention: Bank Robbery Coordinator, setting forth the above lead. The back of the photographs should list the case title, field office file number, and a physical description of the unknown subject. One copy of the photograph will be retained by the Albany Office [redacted]

(b) Any identification or leads developed will be forwarded to the Albany Office [redacted] The Albany Office will forward any results received to the OO who will have the responsibility of reviewing the information furnished and setting out any leads deemed appropriate.

EFFECTIVE: 08/27/90

| 91-17 |SCIENTIFIC EXAMINATION OF DEMAND NOTES|

EFFECTIVE: 10/26/87

| 91-17.1 |Bank Robbery Note File|

EFFECTIVE: 10/26/87

91-17.1.1 Background

(1) The BRNF is maintained in the|Investigative Operations and Support|Section of the FBI Laboratory. It is comprised of a computerized/microfiche file as well as a visual file made up of photographs of handwritten, hand printed, typewritten, and miscellaneous notes which have been used in bank robbery cases throughout the country.

(2) Statistics maintained by FBIHQ have established that demand note bank robberies (DNBRs) constitute a significant percentage of all bank robberies committed each year [redacted] b2/b7E

EFFECTIVE: 03/21/95

||91-17.1.2| Purpose

(1) The purpose of the BRNF is to identify or possibly associate a demand note used in one bank robbery with demand notes used in other bank robberies thereby identifying or associating the subject.

(2) In addition, handwriting samples obtained from subjects or suspects known or suspected of committing DNBRs may be submitted to FBIHQ, Attention: FBI Laboratory, BRNF, by FD-598, entitled "Request for Bank Robbery Note File Examination," for a search through the BRNF in an effort to effect an identification or possible association.

EFFECTIVE: 10/26/87

||91-17.1.3| Policy

The effectiveness of the BRNF is dependent upon all field offices submitting all bank robbery demand notes (BRDNs) recovered by the FBI or local authorities to FBIHQ for searching and comparison purposes. To ensure that the FBI will obtain maximum investigative benefit from the BRNF, the following policy should be strictly complied with:

(1) The originals of all BRDNs that are recovered by the FBI shall be promptly submitted to FBIHQ, Attention: FBI Laboratory, BRNF, by FD-598 for a search through the BRNF with a request for a latent fingerprint examination.

(2) If local authorities have evidentiary custody of the demand note and will conduct their own latent fingerprint examination, the following submission procedure should be followed. Since their latent fingerprint examination will obliterate the demand note, a photographic copy with scale included or a legible Xerox copy, as a last resort, should be obtained prior to their latent fingerprint examination being conducted and promptly submitted by FD-598 to FBIHQ, Attention: FBI Laboratory, BRNF, for a search through the BRNF.

(3) The FD-430, used by the OO to report all 91 violations to FBIHQ, contains information blocks to indicate if a demand note was used in a bank robbery, if it was recovered by the FBI or local authorities and, if recovered, whether it was submitted to FBIHQ for a search through the BRNF. If the FD-430 reflects that a

recovered demand note was not submitted to FBIHQ, the OO will be requested to submit the original demand note, if recovered by the FBI, or a photographic or Xerox copy, if recovered and retained by local authorities, for examination.

(4) FBIHQ will maintain a record of nonsubmission of recovered BRDNs in order to ascertain individual field office compliance with this policy.

(5) BRDNs, either originals or copies, should not be submitted by FD-430 for search through the BRNF since the FD-598 has been expressly designed for this purpose. Information copies of BRDNs may be attached to FBIHQ and field copies of the FD-430 to assist in assessing the subject's 91 activity.

EFFECTIVE: 10/26/87

||91-17.1.4| Submission of BRDNs

(1) In order to prevent intermingling of evidence and to facilitate the BRNF search and a latent fingerprint examination, if requested, a separate transmitting FD-598 should be used for each demand note rather than submitting several demand notes by one communication with multiple case titles.

(2) The submitted demand note will be searched through the BRNF in an effort to effect an identification or possible association. Original demand notes will be returned to the contributing office; however, a photographic copy will be retained in the BRNF for future comparison purposes. Photographic and Xerox copies of demand notes submitted, unless advised to the contrary by the submitting office, will be retained by the FBI Laboratory.

(3) If an office desires a comparison of a demand note being submitted with a demand note or notes used in other specific bank robbery cases, it should make said request and identify the demand notes by case title in the body of the transmitting FD-598.

(4) If, based on the above request, the FBI Laboratory determines that the submitted BRDN was prepared by the writer of the above-suggested BRDNs on file in the BRNF, the search will be terminated. However, if the above search proves negative, the submitted demand note will be searched through the appropriate remainder of the BRNF in an effort to effect an identification or

possible association.

(5) For additional instructions regarding demand note submissions, refer to the instructions section appearing on the reverse side of the FD-598.

EFFECTIVE: 10/26/87

||91-17.1.5| Submission of Handwriting Samples Obtained from Subjects or Suspects Known or Suspected of Committing Demand Note Bank Robberies (DNBRs)

(1) In the above-captioned situation, complete samples should be obtained in accordance with existing instructions (see Part II, 13-17.2.3, and Part I, 87-5.2, of this manual).

(2) If the submitting office is able to identify the DNBRs known or suspected to have been committed by the handwriting contributor, the body of the transmitting FD-598 should specifically set forth this information by case title for comparison purposes. [redacted] b2/b7E

(3) If the submitting office is unable to identify the specific DNBRs known or suspected to have been committed by the handwriting contributor, this fact should be set forth in the body of the transmitting FD-598. In these instances, a portion of the submitted handwriting samples should contain examples of demand notes with the type of language commonly utilized by these subjects. The submitted handwriting samples will be searched through the entire BRNF, where feasible, in an effort to effect an identification or possible association.

(4) In regard to the situation set forth in number (2) above, if the FBI Laboratory determines that the specified BRDNs on file in the BRNF were in fact prepared by the handwriting contributor, the search will be terminated. However, if the above search proves

negative, the submitted handwriting samples will be searched through the appropriate remainder of the BRNF in an effort to effect an identification or possible association.

EFFECTIVE: 10/26/87

91-17.1.6 [redacted] b2 | b7E

EFFECTIVE: 05/26/89

91-17.2 Anonymous Letter File (ALF)

All bank extortion letters should be searched through the ALF. For details regarding the ALF, refer to Part II, Section 13-17.6(2) of this manual, entitled "Anonymous Letter File."

EFFECTIVE: 05/26/89

91-17.3 Extortionate Notes or Letters Received by Bank Officials and/or Family Members

(1) The original extortion note or letter is to be promptly forwarded by airtel to FBIHQ, Attention: Laboratory Division, Investigative Operations and Support Section and Latent Fingerprint Section, for examination. A copy of the note or 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, describe any enclosures, 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.

(2) Identification of those who have handled the extortion note or 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.

(3) |Deleted|

(4) 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|Information Resources|Division on these types of evidence. Refer to Part II, 16-8, of this manual, for details of examination which can be conducted on this evidence.

EFFECTIVE: 03/21/95

91-18 AUTOMATED LATENT|FINGERPRINT SEARCH|

This 91 citation regarding the Automated Latent|Fingerprint Search (ALFS),|the National Unidentified Latent File (NULF), and Major Case Prints (MCP) is directed toward bank robbery (BR), bank burglary (BB), bank larceny (BL) and bank extortion (BE) violations and is not intended to be all inclusive. For further details regarding these matters, see Part II, Section 15, of this manual.

EFFECTIVE: 07/21/95

91-18.1 Automated Latent Fingerprint Search (See MIOG, Part II, 15-2.1.)

(1) The Automated Latent Fingerprint Search (ALFS) which replaces the Automated Latent Search of Automated Identification System - Phase III (ALSA3, accesses the Criminal Justice Information Services Division's automated criminal fingerprint file consisting of fingerprints for over 28 million individuals.

(2) Latent prints previously considered for a search in the ALSA3 system will be given the same consideration in conducting an ALFS.

(3) Not all latent fingerprints are suitable for automated searching. The ability to conduct an ALFS relies on determining the approximate fingerprint classification and finger position of the latent fingerprints and the availability of a physical description of the unknown subject (UNSUB). The physical descriptors which can be utilized in an ALFS include sex, race, age, height, weight, eye color, hair color, place of birth, scars, marks and tattoos. All of these physical descriptors are not necessary to conduct an ALFS, but as much of this information as known should be included in your correspondence. The ALFS may also be restricted to specific geographic regions on a state level and any criminal arrest category for which an arrest offense numeric (AON) is assigned.

(4) It is not necessary to request an ALFS. Each case submitted for a latent fingerprint examination is evaluated by LFPS to determine if it meets the criteria for initiating an ALFS.

(5) The results of the ALFS will be incorporated in the LFPS report submitted to the office requesting fingerprint information.

EFFECTIVE: 07/21/95

91-18.1.1 Moved to 91-18.1

EFFECTIVE: 07/21/95

| 91-18.1.2 |Deleted|

EFFECTIVE: 07/21/95

| 91-18.2 National Unidentified Latent File (NULF)|(See MIOG, Part II, 15-2.2.)|

(1) The NULF is maintained in the LFPS and is broken down into 17 separate federal crime categories, four of which are BR, BB, BL, and all extortions.

(2) The BR, BB, BL and extortion categories contain photographs of the unidentified latent prints submitted by the field to the LFPS for examination or developed by the LFPS from evidence submitted in 91 cases having at least one unknown subject. They are automatically filed in the appropriate crime category of the NULF and do not require a specific request by the field for inclusion. Once a latent print is identified, it is removed from the NULF. In keeping with the Statute of Limitations, they are also removed from the NULF five years after the offense; however, photographs of these latent prints are retained in the evidence section of the Bureau case file.

(3) Classifiable prints in BR, BB, BL and extortion matters are filed by violation and date. The BR and BB categories are further grouped geographically by state. The BR category is grouped by race, sex and geographically by state; however, in some high-volume violation areas, the BR category may be further grouped by field office city.

(4) All classifiable, unidentified latent fingerprints submitted or developed in 91 matters are filed in the NULF under the appropriate crime category.

(5) The field, when submitting unidentified latent prints and/or evidence for examination for latent prints in unknown subject 91 cases, must also enclose MCPs of logical bank employees and

witnesses for elimination purposes. The LFPS will first compare any latent impressions of value submitted or developed with the elimination MCPs prior to initiating an|ALFS.| The transmitting communication must contain a description of the unknown subject to assist the LFPS in conducting an|ALFS.|

(6) Deleted

EFFECTIVE: 07/21/95

91-18.3 Major Case Prints (MCPs)

(1) MCPs consist of recording all friction ridge detail present on the palmar surfaces of the hands and the inner surfaces of the fingers, which includes the extreme sides of the palms and the extreme tips, sides, and lower joints of the fingers. In addition, MCPs must include a fully rolled set of fingerprints recorded on a fingerprint card (FD-249). The MCPs must be identified, dated, and bear the signature of the individual recording them.

(2) All BR, BB, BL and BE subjects should be major case printed when apprehended by the FBI. If apprehended and/or fingerprinted by another law enforcement agency, arrangements should be made to have the subject major case printed and the original or extra copy of his/her MCPs made available to the FBI.

(3) The fingerprint card portion of a subject's MCPs, in addition to all the necessary descriptive data, should set forth the substantive charge--BR, BB, BL or BE--and not merely the United States Code, title, and section reference.

(4) If a subject's MCPs were actually recorded by another law enforcement agency for the FBI, the fingerprint card should contain the FBI office file number and the "Contributor - ORI" block should reflect the FBI as the contributor.

(5) MCPs must be submitted to the Latent Fingerprint Section, Laboratory Division, by a transmitting communication bearing the appropriate case title and the Bureau file number and latent case number, if known. This communication should set forth the purpose for submitting the MCPs and the specific comparisons desired. MCPs should not be submitted to|Criminal Justice Information Services|Division by a fingerprint card envelope or a routing slip as is normally done with

single fingerprint cards in other arrest situations.

(6) If the subject of a 91 case is also a suspect in other 91 violations and a comparison of his/her submitted MCPs with latent prints previously developed in these suspect cases is desired, a specific request with the identities of these cases must be set forth in the transmitting communication by case titles and the Bureau file numbers and latent case numbers, if known.

(7) In addition to the comparison of the subject's MCPs with the unidentified latent impressions submitted in 91 cases in which he/she is carried as a subject and those cases in which he/she is considered a suspect, the LFPS will compare his/her MCPs with the corresponding crime category of the NULF on a geographical basis, where applicable. See 91-18.3(9) for an explanation of a geographical search.

(8) A field request for a search of the subject's MCPs being submitted or his/her fingerprints on file in the main fingerprint file of the Laboratory Division through the NULF should be limited to the subject's specific crime category rather than the combined BR, BB, BL and BE categories since it is highly unlikely that the subject will have committed all four types of violations. If a specific reason exists for requesting a search of the subject's submitted MCPs or his/her fingerprints on file through more than one 91 crime category of the NULF, it must be set forth in the transmitting communication in order to justify said request.

(9) Comparison of a subject's submitted MCPs or fingerprints on file through the NULF on a geographical basis consists of the location where the 91 offense occurred, the location of the subject's arrest and those locations reflected on the subject's FBI record within the last five years. If the field desires the geographical search through the corresponding crime category of the NULF be expanded, it must specifically set forth the locations where the subject has traveled or resided and is suspected of having committed additional unknown 91 violations. (See (7).)

(10) It should be noted that only the MCPs or fingerprints of an individual who is carried as a subject in the title of at least one 91 case will be automatically searched through the corresponding BR, BB, BL or extortion categories of the NULF. The BR and BB categories will be searched further on a geographical basis. The MCPs or fingerprints of an individual who is a 91 suspect only will not be compared with the corresponding crime category or categories of the NULF unless this request is specifically set forth in the

communication.

EFFECTIVE: 04/08/96

91-19 NATIONAL BANK ROBBERY ALBUM (NABRA) CIRCULARS (See MIOG, Part I, 91-12.1(6) & 91-16(4)(c).)

(1) When an unsolved FBI 91 matter involves violence, substantial monetary loss, unknown subject(s) that are believed responsible for multiple robberies, and if an identifiable bank surveillance photograph is available, the OO may request FBIHQ to issue a NABRA circular. It is the responsibility of the OO to evaluate the benefits of a NABRA circular. If the OO determines that the issuance of a NABRA circular would not be beneficial, no justification to FBIHQ is necessary. A request for a NABRA circular may be made at any time during the investigation.

(2) In cases involving highly unusual or aggravated circumstances and where no bank surveillance camera photographs are available, the OO may request FBIHQ to consider utilizing artist's conception drawings of the unidentified subject for inclusion in the NABRA program.

(3) A request for a NABRA circular by the OO should be transmitted by airtel to FBIHQ marked Attention: Violent Crimes Unit (VCU), Criminal Investigative Division (CID). The requesting airtel should follow the format of an existing NABRA circular and set forth a brief narrative of the offense, any words spoken by the unknown subject, the text of the demand note, if utilized, the best available description of the unknown subject, and enclose the bank surveillance camera photograph(s) or artist's conception drawing of the unknown subject. In a multiple unknown subjects case, clearly identify the bank surveillance camera photographs and corresponding descriptions as unknown subject number one, unknown subject number two, etc.

(4) Deleted

(5) Upon approval of a NABRA circular request, FBIHQ will assign the unknown subject a NABRA circular number, prepare and print the circular, and distribute same to all offices.

(6) Upon receipt of a NABRA circular, receiving auxiliary

offices should include it in the NABRA. Do not index the victim bank in the office indices or open an individual substantive case in the absence of specific leads.

(7) In order for this program to be effective, it is essential that all Special Agents working 91 cases have copies of NABRA circulars available for display to witnesses and informants.

(8) The designation "NABRA" and its corresponding number should be carried in the case title in all communications as long as the NABRA circular is outstanding.

(9) The VCU, CID, FBIHQ, should be advised by airtel of any positive results or accomplishments obtained through utilization of NABRA circulars.

(10) When a NABRA subject is identified, his/her circular will be deleted from the NABRA. It is the responsibility of the OO to notify the VCU, CID, FBIHQ, when a NABRA unknown subject is identified and request the NABRA circular be canceled. Upon receipt of said request, the NABRA circular will be canceled and all offices notified by FBIHQ. Form FD-430 may be used to cancel a NABRA circular by checking the appropriate box located on the form and by attaching an administrative page requesting FBIHQ to cancel the circular. Ensure the NABRA circular number is identified and full subject description given. Also advise if NABRA aided in identification of subject. If cancellation of NABRA circular coincides with solution of case, ensure solution portion of Form FD-430 is properly completed.

(11) When a NABRA circular request is pending approval at FBIHQ and the unknown subject is identified, it is the responsibility of the OO to immediately notify the VCU, CID, FBIHQ, to discontinue consideration.

(12) In those instances where the Statute of Limitations has expired for a NABRA subject, FBIHQ will cancel his/her NABRA circular and notify all offices of the cancellation by letter.

EFFECTIVE: 09/07/93

91-20 FUGITIVE BANK ROBBERY (FUBANK) CIRCULARS

(1) When a 91 subject is in a fugitive status for 15 days and an identifiable photograph is available, the OO shall request FBIHQ to issue a FUBANK circular.

(2) A request for a FUBANK circular by the OO should be transmitted by airtel to FBIHQ marked Attention: |Violent|Crimes Unit, Criminal Investigative Division. The requesting airtel should follow the format of an existing FUBANK circular and set forth a brief narrative of the offense, a description of the subject, details regarding Federal process and enclose the subject's photograph(s).

(3) If special circumstances indicate the desirability of requesting a FUBANK circular prior to the subject being in a fugitive status for 15 days, or if the OO is of the opinion that a qualifying subject should not be included in the FUBANK circular program, advise the|VCU,|CID, FBIHQ, accordingly by airtel setting forth specific reasons.

(4) Upon approval of a FUBANK circular request, FBIHQ will assign the subject a FUBANK circular number, prepare and print the circular, and distribute same to all offices.

(5) Upon receipt of a FUBANK circular, receiving auxiliary offices should index it to the office indices and maintain a copy in a control file established for that purpose rather than opening an individual substantive case in the absence of specific leads.

(6) In order for this program to be effective, it is essential that all Special Agents working 91 cases have copies of FUBANK circulars available for display to witnesses and informants.

(7) The designation "FUBANK" and its designated number should be carried in the case title in all communications as long as the FUBANK circular is outstanding.

(8) The|VCU,|CID, FBIHQ, should be advised by airtel of any positive results or accomplishments obtained through utilization of FUBANK circulars.

(9) When a FUBANK circular fugitive is apprehended or located, the apprehending or locating office, when notifying FBIHQ of the arrest or locate by teletype, should include a request for the ||VCU,|CID, to cancel the FUBANK circular. Upon receipt of said

request, the FUBANK circular will be canceled and all offices notified by FBIHQ.

(10) If the apprehending or locating office of the 91 fugitive has not been previously notified by the OO of a pending FUBANK circular request to FBIHQ for the subject, it is the responsibility of the OO to immediately notify the |VCU, |CID, to discontinue consideration.

EFFECTIVE: 02/16/89

91-21 |DELETED|

EFFECTIVE: 08/27/90

91-22 OBTAIN FEDERAL 91 PROCESS PROMPTLY

Obtain Federal BR, BB, BL or BE process as soon as possible after the subject is identified and it is determined that he/she will be prosecuted federally.

EFFECTIVE: 08/27/90

91-23 UNLAWFUL FLIGHT PROCESS ON 91 SUBJECTS

Do not obtain unlawful flight process on BR, BB, BL or BE subjects without first obtaining clearance from FBIHQ.

EFFECTIVE: 08/27/90

91-24 NOTIFICATION TO LOGICAL OFFICES REGARDING THE APPREHENSION OF 91 SUBJECTS

(1) Upon apprehension of a BR, BB, BL or BE subject, in addition to the routine required FBIHQ and field notification, the OO, if appropriate, should subsequently advise all logical offices of the subject's arrest with a suggestion that he/she be considered as a possible suspect in connection with their appropriate unsolved 91 violations.

(2) The above communication should include a detailed physical description of the subject, MO utilized, his/her photograph, FBI Identification Record and data regarding his/her employments, residences, and travel itineraries.

(3) If FBIHQ has been previously advised of the subject's apprehension, a copy of the above subsequent communication to logical offices need not be furnished to FBIHQ.

EFFECTIVE: 08/27/90

91-25 NOTIFYING FBIHQ OF UNIQUE MODUS OPERANDI AND UNIQUE INVESTIGATIVE TECHNIQUES

(1) The details of unique MOs utilized by BR, BB, BL or BE subjects or unique and successful investigative techniques used by Special Agents in BR, BB, BL or BE investigations should be brought to the attention of the |Violent|Crimes Unit, Criminal Investigative Division, FBIHQ.

(2) The above details should be conveyed to FBIHQ by airtel bearing a dual caption, the substantive 91 case caption followed by the caption "Unique MO and/or Unique Investigative Technique," in order to flag its purpose.

(3) If appropriate, the |VCU|will incorporate the above MO or investigative technique in the 91 section of this manual and/or notify all offices of the above information by a separate communication for consideration in their 91 investigations.

EFFECTIVE: 02/16/89

91-26 BANK ROBBERY, BANK BURGLARY, BANK LARCENY AND BANK EXTORTION REPORTS

This citation is directed toward specific problem areas noted by FBIHQ in 91 reports and is not intended to be all inclusive. For complete details regarding report writing, see MAOP, Part II, 10-14, entitled "Types of Reports"; 10-15, entitled "Prosecutive Report"; 10-17, entitled "Investigative Report (FD-204)"; 10-20, entitled "Nonprosecutive Summary"; and SAC Memorandum 3-78, dated 1/18/78, entitled "Reporting of Investigative Activities."

EFFECTIVE: 02/16/89

91-26.1 Prosecutive Reports

As a practical matter, the vast majority of reports prepared in 91 violations will consist of prosecutive reports. If assistance is needed in assembling a BR, BB, BL or BE prosecutive report, the writer should refer to the above SAC Memorandum and MAOP, Part II, 10-15.2, entitled "Organizing the Prosecutive Report."

EFFECTIVE: 02/16/89

91-26.2 Copies of Prosecutive Reports to FBIHQ

(1) Normally, only one copy of a 91 prosecutive report should be designated for FBIHQ. If for any reason the writer determines it is necessary for FBIHQ to disseminate a copy or copies of the prosecutive report outside the Bureau on a headquarters level, sufficient copies should be designated for the Bureau in order to accomplish said dissemination.

(2) The desired dissemination should be specifically identified for FBIHQ in the "Copies made:" section of the cover page, FD-272, and should also be set forth in the "Copy to:" section of the FD-517.

EFFECTIVE: 02/16/89

91-26.3 Narrative of Offense Section, FD-518

(1) The purpose of the "Narrative of Offense:" section of the FD-518 in a prosecutive report is merely to set forth the jurisdictional basis for the 91 investigation and the facts surrounding the 91 violation in narrative form.

(2) Based on the above specific purpose, the "Narrative of Offense:" section should include the basis for the FBI's jurisdiction and Federal prosecution under the Bank Robbery and Incidental Crimes Statute, a detailed narrative of the subject's modus operandi, and the facts surrounding the offense.

(3) Any caution statement, if appropriate, should be included at the conclusion of this section.

(4) As noted above, other aspects of the 91 investigation, such as prosecutive status, witnesses, and evidence, are not to be included in this section and should be set forth in the appropriate sections of the prosecutive report.

EFFECTIVE: 08/27/90

91-26.4 Basis of FBI Jurisdiction and Evidence for Federal Prosecution in 91 Violation

In essence, the FBI's jurisdiction and the basis for Federal prosecution in BR, BB, BL and BE violations are based on the fact that the victim bank, credit union, or savings and loan association is federally chartered and/or federally insured. In order to establish the FBI's jurisdiction and evidence for subsequent Federal prosecution under the BRICS, the following details should be obtained from the appropriate banking official. This official will be subpoenaed in order to produce this documentary evidence in court for trial purposes.

(1) National Banks. The national bank charter number and the date issued. The FDIC certificate of insurance number and the date issued.

(2) State chartered banks not a member of the FRS but insured by the FDIC. The FDIC certificate of insurance number and the date issued.

(3) State chartered banks that are members of the FRS and insured by the FDIC. The FDIC certificate of insurance number and the date issued.

(4) Federal credit unions. The Federal credit union charter number and the date of issue and the National Credit Union Administration certificate of insurance number and the date issued.

(5) Federally insured state credit unions. The National Credit Union Administration certificate of insurance number and the date issued.

(6) Federal savings and loan associations (FSLA). The FSLA charter number and date issued and the FDIC certificate of insurance number and the date issued.

(7) State savings and loan associations insured by the FDIC. The FDIC certificate of insurance number and the date issued.

(8) Federal mutual savings banks (FMSB). The FMSB charter number and date issued and the FDIC certificate of insurance number and the date issued.

EFFECTIVE: 08/27/90

91-26.5 Enclosure and Evidence Sections of Prosecutive Reports

It should be noted that a distinction exists between the above two sections, and for purposes of uniformity, the following guidelines should be followed when preparing a 91 prosecutive report.

EFFECTIVE: 08/27/90

91-26.6 Enclosure Section

The purpose of the enclosure section is to forward enclosures to recipients outside the Bureau by the prosecutive report. This section must set forth a brief narrative describing the enclosures and identify the intended recipient. In most instances, this section will forward evidentiary enclosures to the appropriate USA for prosecutive purposes. Examples of such enclosures are bank camera surveillance photographs, demand notes, and bank burglary crime scene photographs.

EFFECTIVE: 08/27/90

91-26.7 Evidence Section

(1) The evidence section of the prosecutive report merely lists all items of evidence available to the USA which is critical to successful prosecution of the 91 violation. In addition to a brief description of the evidence, this section should identify who obtained it, its physical location and the pages in the prosecutive report where the full details regarding the evidence are set forth.

(2) The evidence section should not be utilized to enclose evidentiary items to the USA or other recipients outside the Bureau since this is the function of the enclosure section.

EFFECTIVE: 08/27/90

91-27 NOTIFICATION TO FBIHQ OF THE FINAL OUTCOME IN 91 CASES

(1) |FBIHQ should be advised by closing letter of the final outcome of known subject cases.|

(2) |Unsolved cases shall be closed under SAC authority by letter to FBIHQ rather than by memorandum to the SAC. This letter should be brief and contain a concise narrative of the offense, any suspects developed, their descriptions, a summary of investigation conducted, and the basis for closing the case.|

|(3)| In those cases where Federal prosecution is declined, a copy of the FBI Case Status Form, FD-320, to the USA confirming his/her declination should be designated for FBIHQ.

EFFECTIVE: 08/27/90

91-28 CLAIMING LOCAL CONVICTIONS IN 91 VIOLATIONS BY THE ACCOMPLISHMENT REPORT, FD-515

(1) Prior to 10/1/81, the FBI had conducted investigations involving federal violations under its jurisdiction and had failed to receive conviction credit because in many instances these cases were referred to local authorities for prosecution.

(2) Effective 10/1/81, the Accomplishment Report, FD-515, permitted the field to claim a local conviction in the above instances if the FBI's investigative efforts significantly contributed to successful local prosecution.

(3) |A succinct statement setting forth the basis for claiming a local conviction can accompany the FD-515 and be entered in the narrative screen in the Integrated Statistical Reporting and Analysis Application (ISRAA); however, supporting documentation must be included in the case file.|

(4) The above justification narrative will be reviewed by the appropriate substantive Supervisory Special Agent, of the submitting field office, for their approval before the local conviction will be recorded in|ISRAA.|

(5) Local conviction statistics approved and submitted by the field will be identified as a local conviction and will be recorded and reported separately and distinctly from federal convictions by both the field and FBIHQ.

(6) The appropriate substantive field office Supervisory Special Agent will ensure that the proper investigative program and FBI violation is credited when a local conviction is approved by the field and submitted to the ISRAA.

(7) It should be noted, in regard to judging an office's performance in the Violent Crimes Subprogram in general and 91 violations, specifically, a local conviction resulting from a BR, BB, BL or BE violation, which was obtained as a result of a significant FBI investigative contribution, will be considered a positive factor.

(8) For complete details regarding the preparation of an

Accomplishment Report, FD-515, and claiming local convictions, see the instructions in MAOP, Part II, 3-5.1 and 3-5.2.11.

EFFECTIVE: 07/07/97

91-29 BANK CRIME STATISTICS (BCS) REPORT

(1) The BCS report deals with Bank Robbery, Bank Burglary, Bank Larceny, Bank Extortion, Financial Institution Fraud, and Hobbs Act - Armored Carrier violations. (See 192-17.)

(2) In regard to BR, BB, BL and BE violations, the BCS report provides a wealth of specific information such as, but not limited to, number of violations, MOs utilized, loot taken, loot recovered, violence employed, injuries suffered, deaths incurred, and hostages taken.

(3) Three copies of the BCS report are provided to the field by FBIHQ by cover airtel on an annual basis for the period covering January through December.

(4) The BCS report is also made available by FBIHQ to the DOJ, Federal financial regulatory agencies, bank associations, and other interested and qualified individuals and/or organizations.

(5) The cover airtel and BCS report, when received by the field, should be brought to the attention of all appropriate headquarters city and resident agency supervisory and Agent personnel and media representatives.

(6) In order to achieve the above notification, the cover airtel and BCS report may be reproduced as necessary.

(7) Since the BCS report is a public source document, the field may reproduce and disseminate copies to interested and qualified individuals and/or organizations as good judgment dictates.

(8) In addition, the BCS report may also be used as source material in press releases, speeches, bank conferences, clinics, and seminars.

EFFECTIVE: 06/26/91

91-30 BANK CONFERENCES, CLINICS, AND SEMINARS (BCCS)

EFFECTIVE: 10/26/87

91-30.1 Purpose and Policy

(1) BCCS are an important part of the FBI's training program to educate employees of banking institutions regarding both internal and external crimes committed against them.

(2) BCCS promote security awareness among banking employees and provide opportunities for planning coordinated investigative efforts between field offices and local law enforcement agencies.

(3) Traditionally, the FBI has maintained a "low profile" regarding suggestions concerning appropriate bank security devices and their use by banking institutions. In view of the continued increase in 91 violations, FBIHQ believes that it has become necessary for the FBI to be more aggressive and positive regarding bank security in their contacts with bank officials.

(4) Offices should stress internal bank security with banking officials contacted during BCCS bringing to their attention the vulnerability of their institutions where previously noted.

(5) Agents conducting BCCS may, if requested, examine the overall security program of a banking institution, comment on the practicality and necessity of security methods being used, and volunteer information as to what, if any, additional security devices or procedures may be necessary.

(6) Agents must be careful during the above contacts and examinations not to identify or endorse a particular item of security-related equipment by name or manufacturer as being the most desirable. This does not preclude Agents from describing a specific device which, through experience, has proven to be beneficial to banking institutions or law enforcement agencies.

(7) By airtel dated 11/18/77, captioned "BCCS," all

offices were provided a copy of the American Bankers Association (ABA) booklet entitled "The Bankers Guide To Security Training." This booklet was prepared by the ABA to help bank security officers in planning and organizing security training programs for their employees. Agents conducting BCCS should familiarize themselves with this booklet.

EFFECTIVE: 10/26/87

91-31 CHARACTER - BANK ROBBERY (BR), BANK BURGLARY (BB), BANK LARCENY (BL),|BANK EXTORTION (BE);|BR - RECEIVING, BB - RECEIVING, BL - RECEIVING,|BE - RECEIVING|

EFFECTIVE: 10/26/87

||91-31.1 General

Any 91 violation during which a hoax bomb device was utilized will also carry the character HOAX BOMB in the caption of the case.|

EFFECTIVE: 04/29/93

91-32 CLASSIFICATION - 91

EFFECTIVE: 10/26/87

91-33 91 SUBCLASSIFICATIONS (See MIOG, Introduction, 2-1.6.4; MAOP, Part II, 3-1.1, 3-1.2.)

The criteria for these subclassifications, which are all part of the Violent Crimes Subprogram, are as follows:

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

EFFECTIVE: 10/18/95

91-34 VENUE

(1) In BR, BB, BL and BE violations, venue lies in the jurisdiction where the bank is located.

(2) In receiving violations involving proceeds from a BR, BB, BL or BE case, venue lies in the jurisdictional district where the receiving occurred.

EFFECTIVE: 07/23/90

91-35 OFFICE OF ORIGIN

(1) In BR, BB, BL and BE cases, the OO shall be the office in whose territory the violation occurred.

(2) In BR, BB, BL and BE receiving violations, the OO shall be the office in whose territory the receiving violation occurred.

EFFECTIVE: 07/23/90

91-36 CASE TITLE

All BR, BB, BL and BE case titles should include subject's name and aliases or unknown subject designation, the name of the institution, its location and the date of the violation. In the case of an extortion, use the date the threat was received.

EFFECTIVE: 07/23/90

SECTION 92. RACKETEERING ENTERPRISE INVESTIGATIONS (REI)

92-1 INTRODUCTION (See MIOG, Part II, 21-28.6(1).)

(1) A Racketeering Enterprise Investigation (REI) is a criminal intelligence investigation which has as its goal the obtaining of information concerning the composition, structure, and activities of a criminal enterprise engaging in crimes which constitute racketeering activities as defined by statute and the Attorney General Guidelines (AGG).

(2) Authority for the FBI to conduct REI investigations is promulgated by the AGG. The AGG set forth background, definitions, scope, general procedures, and considerations regarding REIs. Agents and supervisors involved with REIs must familiarize themselves with the AGG.

(3) REIs may be conducted on racketeering enterprises engaged in criminal violations enumerated in the Racketeer Influenced and Corrupt Organizations (RICO) Act (Title 18, USC, Section 1961). However, necessary authority for REI initiation is dependent upon the violation under investigation. Refer to General Authority, Part I, 92-5.

EFFECTIVE: 03/25/96

92-2 DEFINITIONS

(1) "Racketeering" is defined in the AGG as any offense including the violation of state law, encompassed by the RICO Act.

(2) "Enterprise" is defined by the RICO Statute as "any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity." Although the RICO statute definition includes an individual, the AGG specifically authorizes the investigation of "two or more persons engaged in ... racketeering activity." The AGG clearly intend for the FBI to target "... entire enterprises, rather than individual participants in specific criminal acts ..." when utilizing the REI.

(3) |"Racketeering investigation" is defined by the RICO Act as "any inquiry conducted ... for the purpose of ascertaining ... any violation of this chapter."|

EFFECTIVE: 03/25/96

92-3 SCOPE OF INVESTIGATION |(See MIOG, Part I, 92-8.)|

|An REI properly initiated may collect information concerning:|

(1) |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;|

(2) |The finances of the enterprise;

(3) The geographical dimensions of the enterprise; and

(4) The past and future activities and goals of the enterprise.|

EFFECTIVE: 03/25/96

92-3.1 |Deleted|

EFFECTIVE: 03/25/96

92-4 |RELATED SUBSTANTIVE INVESTIGATIONS|

(1) |Subsequent to the initiation of an REI, information may be developed which serves as the basis for opening a substantive criminal investigation. While any lawful investigative technique may be utilized during an REI, investigations which have progressed from intelligence gathering to evidence gathering should result in the initiation of a substantive case. Any investigation that can reasonably be expected to result in enforcement activity or any court proceedings (e.g., arrests, discovery hearings) should be conducted as a substantive criminal investigation.|

(2) |Upon opening a substantive criminal investigation, an REI may continue to gather intelligence on additional members or other criminal activity of the targeted organization, as the scope of the substantive case may be limited to a relatively small portion of the total criminal activity. The REI may also be closed if deemed appropriate.|

(3) |Case Agents and supervisors are responsible for assuring full compliance with the above-mentioned guidelines and Legal Guidelines as referenced in Part I, Section 92-8 of this manual.|

EFFECTIVE: 03/25/96

92-5 |GENERAL AUTHORITY (See MIOG, Part I, 92-1.)|

(1) |General authority to initiate an REI of a Racketeering Enterprise, the activities of which involve violence, extortion, narcotics, or systemic public corruption, lies with the SAC. There is no provision in the AGG which allows for the delegation of this authority. The SAC's approval must be based upon a written recommendation setting forth facts and circumstances reasonably indicating the existence of a Racketeering Enterprise, and must be followed by notification, in proper format, to the Intelligence Development Unit (IDU), Intelligence Section (IS), Criminal Investigative Division (CID), FBIHQ. The Section Chief, Intelligence Section, shall conduct a programmatic review of the REI. If the REI approved by the SAC is deemed deficient pursuant to the review at FBIHQ, field offices will be instructed either to close the REI or to cease active investigation pending submission of additional

information. Otherwise, the IDU shall notify the Attorney General of the initiation of the REI as required by the AGG.

(2) Per the AGG, REIs NOT involving violence, extortion, narcotics, or systemic public corruption "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."

EFFECTIVE: 03/25/96

92-6 INITIATION, RENEWAL, AND REOPENING

(1) Upon SAC approval of an REI, the field office shall submit to FBIHQ, Attention: IDU, IS, CID the following:

(a) Cover electronic communication (EC), in appropriate format, containing the date of SAC approval, basis for the investigation, budget requirements (if necessary), and other administrative matters.

(b) The REI profile and Letterhead Memorandum (LHM) in the proper format. Appropriate format for the cover EC, profile and LHM, is delineated in all SAC airtels dated 1/29/92, entitled "RACKETEERING ENTERPRISE INVESTIGATIONS (REIs), DRUG PROGRAM;" and 8/30/93, entitled "STREET GANG INITIATIVE, RACKETEERING ENTERPRISE INVESTIGATIONS - VCMO." This format applies to all REIs, regardless of the criminal offense or organization under investigation.

(c) The REI profile(s) should be properly captured and indexed into a database. Offices with on-line access to the Criminal Intelligence Support Program (CISP) shall enter the profiles into CISP. Field offices without access to CISP are to forward the REI profiles on a disk to FBIHQ, IS, CID for entry into CISP.

(2) Notification to FBIHQ of an REI initiation, renewal or reopening with all supporting documents (e.g., profiles, LHM) will be submitted within 14 calendar days of receiving SAC authority.

(3) The LHM and/or organizational profile should be suitable for dissemination and must include any available information relating to the group's racketeering activities.

(4) REIs are approved for periods not to exceed 180 days. Authority for renewal is to be obtained 30 days PRIOR to expiration of the REI. REIs that do not receive SAC authority for renewal prior to the date of expiration must be reopened. Reopening follows the same procedure as initiation. When reopening, the dates of the previous investigation must be reported to FBIHQ on the cover EC.

(5) The 180-day investigative period commences upon the date of SAC approval for initiations or reopenings. Properly authorized renewals commence on the day immediately following the date of expiration.

(6) For REIs requiring the approval of the Director, FBIHQ will notify the field office of the effective date of commencement.

(7) SAC authority does not obviate the requirement of the field office to submit all initiations, renewals, reopenings, and closures to FBIHQ for review and/or Attorney General notification.

(8) The field office shall receive a copy of FBIHQ's notification to DOJ of an REI initiation or reopening. There will be NO notice to the field upon FBIHQ approval of a renewal.

EFFECTIVE: 03/25/96

92-7 TERMINATION OF THE REI

Termination of the REI will be accomplished by notifying FBIHQ, by EC, within 30 days of the closure. The REI may be closed at or prior to the expiration of the 180 day authorization period. The REI may be closed in favor of a substantive investigation or due to lack of intelligence being developed. The EC should contain the reason for closure and a brief summary of the field office's investigative efforts. New information developed since the last reporting period should be reported by a profile. There will be no notification to the field upon FBIHQ receipt of a closure.

EFFECTIVE: 03/25/96

92-8 LEGAL GUIDELINES

(1) An REI case may be opened only when facts and circumstances "reasonably indicate" that individuals have been, are currently or will be involved in a "racketeering enterprise." This standard of "reasonable indication" is substantially lower than "probable cause," but does require specific facts and circumstances; a mere "hunch" is insufficient. The above facts should be included in the LHM to FBIHQ setting forth the basis for the REI.

(2) REIs are to be conducted with minimal intrusion consistent with the need to collect information in a timely and effective manner. The seriousness of the alleged criminal activity and the quality of the information indicating the existence of the activity should be among the factors considered in determining the investigation's proper scope and intrusiveness.

(3) The AGG allow for the use of any lawful investigative technique in accordance with Part IV of the AGG. While a particular investigative technique may be lawful, its appropriateness should be scrutinized by the approving supervisor in view of Part IV of the AGG and Part I, 92-3 and 92-4 of MIOG.

(4) The field supervisor has the responsibility of ensuring that the REI is conducted in a manner consistent with Bureau policy and legal and investigative guidelines established in "The Attorney General Guidelines on General Crimes, Racketeering Enterprise and Domestic Security/Terrorism Investigations," set out in its entirety in MIOG, Introduction, 1-3.

EFFECTIVE: 03/25/96

92-9 CHARACTER AND CLASSIFICATION (See MAOP, Part II, 3-1.1 and 3.1.2; MIOG, Part I, 245-4, 281-3.)

(1) Racketeering Enterprise Investigations shall be the character carried in the title of all REI matters. All REIs shall carry the 92 classification. The alpha designators shall be assigned as follows:

A - LCN AND ITALIAN ORGANIZATIONS

B - CENTRAL/SOUTH AMERICAN ORGANIZATIONS

C - MEXICAN ORGANIZATIONS

D - GANGS

E - ASIAN ORGANIZATIONS

F - OTHER MAJOR CRIMINAL ORGANIZATIONS

G - AFRICAN ORGANIZATIONS

H - EURASIAN, EASTERN EUROPEAN and RUSSIAN ORGANIZATIONS

I - CARIBBEAN ORGANIZATIONS

||J - ALIEN SMUGGLING ORGANIZATIONS|

(2) The following case files shall be opened:

92-(field office designator)-0: REI CONTROL FILE

92-(field office designator)-00: REI ADMINISTRATIVE MATTERS

Appropriate subfiles may be opened to address specific needs of the field office. The subfile letter should reflect the appropriate alpha designator for that program.

Example:
92-HQ-0 REI CONTROL FILE
Sub G African Organizations
G1 Unaddressed work
G2 AO Leads

In this example, the office (HQ) REI control file has subfiles to address different control file matters. Sub G is consistent with the G alpha designator for African Organizations. Sub G1 contains

unaddressed work relating to African Organizations. Sub G2 would contain leads from other offices regarding African Organizations.

(3) This subfile structure is set forth for the 92-0 and 92-00 files, and is not intended to replace the subfile structure of active 92 cases.

(4) There are to be no other 92 cases which are not active REIs.

EFFECTIVE: 10/01/97

SECTION 93. ASCERTAINING FINANCIAL ABILITY

93-1 PURPOSE

To ascertain a person's ability to pay a claim, fine, or judgment obtained against him/her by U.S. Government.

EFFECTIVE: 07/27/81

93-2 POLICY

(1) The FBI investigates to determine the financial position of individuals in cases referred by USAs when the Government has secured a judgment or a court has imposed a fine or order of restitution, if the amount of the debt exceeds $2,500.00, provided the USA has previously taken all action at his/her disposal to collect the debt without success. Requests for investigation of cases in which the debt is smaller may be undertaken when it appears that a fraudulent transfer of assets or other special situation is known to be involved.

(2) It is the USA's responsibility to negotiate settlements with debtors. The FBI does not collect debts and, therefore, should not participate in any discussion meetings with or on behalf of the USA conducted for collection of debt or settlement of the debt from which an appearance of participation could be drawn.

(3) USAs should be asked to obtain or request an updated submission from the debtor a "Personal Financial Statement" form #OBD500. Agents should not in any way participate in aiding the debtor in the preparation of the form.

(4) As a final activity, prior to closing of investigation, the USA should be asked to notify the Case Agent or his/her supervisor of the collection of the debt, should collection occur. The investigative file is to reflect this contact.

(5) Cases should be closed upon completion of investigation without regard for the collection of all or part of the debt.

(6) If after a case is closed the USA's Office does notify the Case Agent or supervisor of collection, a memorandum to the closed file reflecting the contact should be made and Form FD-515 entered into the Integrated Statistical Reporting and Analysis Application (ISRAA).

(7) No attempt should be made by any field office to survey collections made by the USA's Office, as had been the policy in the past.

(8) The FBI does not investigate the financial position of any individual indebted to the Government by virtue of action of the Internal Revenue Service.

(9) Any unusual developments or novel techniques that arise in cases under investigation should be brought to the attention of FBIHQ.

EFFECTIVE: 11/12/93

93-3 INVESTIGATIVE PROCEDURE

(1) Review records of USA and Clerk of the U.S. District Court to ascertain the amount, date, and manner in which the obligation arose, as well as to determine action taken by USA to collect obligation prior to referring case to FBI.

(2) Glean from the USA's file the identity, position, and location of all persons that may have knowledge of the debtor's financial position.

(3) Photocopy all "Personal Financial Statements" contained in the USA's files.

(4) Conduct interviews of the employees of the Federal agency from whose action the delinquent debt occurred. Obtain all background information concerning the debtor, persons that may have knowledge of the debtor's financial position, and opinions of those interviewed as to the debtor's assets and liabilities. All [redacted] b7D financial statements, credit bureau reports, and [redacted] contained in their files should be photocopied.

(5) If necessary and desirable, interview the debtor

concerning his/her financial status.

(6) Attempt to obtain from the debtor executed releases that would permit examination of bank records, credit bureau files, credit card issuing companies, brokerage firms, etc., maintained in the debtor's name or under his/her control.

(7) To the extent possible, verify through interview and record reviews all of the data contained on the personal financial statement, credit bureau reports, and/or [redacted] b7D

(8) Verify the ownership of any real or personal property in which the debtor is believed to have a financial interest, lives or, if applicable, works. Be alert to the possibility of transfer of assets from the debtor to spouse, relatives, or nominee for the purpose of defeating the collection of debt to the Government.

(9) Review public source documents contained in the County Registry of Deeds, County Prothonotary, County Tax Collector, Clerk of Common Court, Registry of Motor Vehicles, in the debtor's name, to locate assets, liens or judgments.

(10) In report format submit the results of investigation to the USA and close case.

EFFECTIVE: 07/27/81

93-4 PRIVACY ACT, TITLE 5, USC, SECTION 552a - RESTRICTIONS

(1) When interviewing anyone in the above classification, in order to solicit information about himself/herself or his/her own activities, the interviewing Agent must follow the procedures described in MIOG, Part I, Section 190-5, (2) and (3).

(2) When interviewing an individual to solicit information concerning someone other than the interviewee (thereby classifying that individual as a source of information) the interviewing Agent must follow the procedure relating to promises of confidentiality as described in MIOG, Part I, Section 190-7.

EFFECTIVE: 07/27/81

93-5 THE RIGHT TO FINANCIAL PRIVACY ACT, TITLE 12, USC, SECTION 3401- RESTRICTIONS

The RFPA prohibits access to financial records maintained by financial institutions (banks, etc.) in AFA matters unless:

(1) the debtor has authorized disclosures by the financial institution to the Government under the provisions of Section 3404 of the Act; or

(2) the Government has sought access under Section 3408 and complied with all its provisions including the provision permitting the debtor to challenge the Government's request; or

(3) the Government under Section 3413(e) seeks access to the records under the Discovery provisions of the Federal Rules of Civil Procedure. (In order for this provision to apply the USA would have to have instituted a civil proceeding apart from that which gave rise to the debt.)

EFFECTIVE: 07/27/81

93-6 CONSUMER CREDIT PROTECTION ACT, TITLE 15, USC, SECTION 1601 - RESTRICTIONS

The CCPA prohibits access to credit records maintained by credit reporting agencies (credit bureaus, etc.) in AFA matters unless:

(1) the debtor has authorized disclosure by the credit reporting institution to the Government under provisions of Section 1681(b) 3(a) of the Act, or

(2) the Government under Section 1681(b)(1) seeking access to the records has obtained a court order. (Federal Grand Jury subpoenas do not apply. In order to obtain a court order the USA would have to have instituted a civil proceeding apart from that which gave rise to the debt.)

EFFECTIVE: 07/27/81

| 93-7 CHARACTER - ASCERTAINING FINANCIAL ABILITY|

EFFECTIVE: 07/27/81

SECTION 94. RESEARCH MATTERS AND GENERAL CORRESPONDENCE

94-1 RESEARCH MATTERS AND GENERAL CORRESPONDENCE

This classification deals with all general correspondence of the FBI with private individuals which does not involve any substantive violation. Most of this type of correspondence concerns general inquiries made by the public relative to the FBI's operations, such as general law enforcement conditions, fingerprinting, FBI Laboratory functions, and information concerning the training of Special Agents and support personnel. This type of general correspondence is also frequently received at FBIHQ from students requesting FBI publications to assist them in different types of school projects. Some letters in this category are sent by private individuals to the Director of the FBI requesting his photograph or commenting on some speech he has given.

This classification also pertains to correspondence received by field offices and at FBIHQ concerning research matters such as law enforcement technology and other matters of a general research nature.

EFFECTIVE: 01/31/78

SECTION 95. LABORATORY|INVESTIGATIVE SERVICES (LIS)|

| 95-1 |LABORATORY INVESTIGATIVE SERVICES|POLICY

|(1)|This classification is normally assigned by FBIHQ to non-Bureau cases where a duly constituted state, county, or municipal law enforcement agency in a criminal matter or another Federal agency in a criminal or civil matter has requested an examination of evidence by the FBI Laboratory|Division.|

|(2)The following categories of the 95 classification reflect the general crime classifications of the Uniform Crime Report Incident Based System. (See also MAOP, Part II, 3-1.1 and 3-1.2.)

95A - LIS - Crimes Against Persons
95B - LIS - Crimes Against Property
95C - LIS - Crimes Against Society
95D - LIS - Civil Cases|

EFFECTIVE: 06/03/94

SECTION 97. REGISTRATION ACT

97-1 REGISTRATION ACT

Information concerning the |97| classification is set forth in a separate FBI manual, the |NATIONAL FOREIGN INTELLIGENCE PROGRAM MANUAL (NFIPM).|

EFFECTIVE: 02/14/97

SECTION 98. SABOTAGE

98-1 STATUTES

Title 18, USC, Sections 2151 - 2156

Title 50, USC, Section 797

EFFECTIVE: 01/31/78

98-1.1 Section 2151 - Definitions

"The words 'war material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all articles, parts or ingredients, intended for, adapted to, or suitable for the use of the United States or any associate nation, in connection with the conduct of war or defense activities.

"The words 'war premises' include all buildings, grounds, mines, or other places wherein such war material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States, or any associate nation.

"The words 'war utilities' include all railroads, railways, electric lines, roads of whatever description, any railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances, thereof, or any other means of transportation whatsoever, whereon or whereby such war material or any troops of the United States, or of any associate nation, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water or gas is being furnished, or may be furnished, to any war premises or to the

Armed Forces of the United States, or any associate nation, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures, and wireless stations, and the buildings connected with the maintenance and operation thereof used to supply air, water, light, heat, power, or facilities of communication to any war premises or to the Armed Forces of the United States, or any associate nation.

"The words 'associate nation' mean any nation at war with any nation with which the United States is at war.

"The words 'national-defense material' include arms, armament, ammunition, livestock, forage, forest products and standing timber, stores of clothing, air, water, food, foodstuffs, fuel, supplies, munitions, and all other articles of whatever description and any part or ingredient thereof, intended for, adapted to, or suitable for the use of the United States in connection with the national defense or for use in or in connection with the producing, manufacturing, repairing, storing, mining, extracting, distributing, loading, unloading, or transporting of any of the materials or other articles hereinbefore mentioned or any part or ingredient thereof.

"The words 'national-defense premises' include all buildings, grounds, mines, or other places wherein such national-defense material is being produced, manufactured, repaired, stored, mined, extracted, distributed, loaded, unloaded, or transported, together with all machinery and appliances therein contained; and all forts, arsenals, navy yards, camps, prisons, or other installations of the Armed Forces of the United States.

"The words 'national-defense utilities' include all railroads, railways, electric lines, roads of whatever description, railroad or railway fixture, canal, lock, dam, wharf, pier, dock, bridge, building, structure, engine, machine, mechanical contrivance, car, vehicle, boat, aircraft, airfields, air lanes, and fixtures or appurtenances thereof, or any other means of transportation whatsoever, whereon or whereby such national-defense material, or any troops of the United States, are being or may be transported either within the limits of the United States or upon the high seas or elsewhere; and all air-conditioning systems, dams, reservoirs, aqueducts, water and gas mains and pipes, structures and buildings, whereby or in connection with which air, water or gas may be furnished to any national-defense premises or to the Armed Forces of the United States, and all electric light and power, steam or pneumatic power, telephone and telegraph plants, poles, wires, and fixtures and wireless stations, and the buildings connected with the maintenance

and operation thereof used to supply air, water, light, heat, power or facilities of communication to any national-defense premises or to the Armed Forces of the United States."

EFFECTIVE: 01/31/78

98-1.2 Section 2152 - Fortifications, Harbor Defenses, or Defensive Sea Areas

"Whoever willfully trespasses upon, injures, or destroys any of the works or property or material of any submarine mine or torpedo or fortification or harbor-defense system owned or constructed or in process of construction by the United States; or

"Whoever willfully interferes with the operation or use of any of the above or

"Whoever knowingly, willfully, or wantonly violates any duly authorized and promulgated order or regulation of the President governing persons or vessels within the limits of defensive sea areas, which the President, for purposes of national defense, may from time to time establish by executive order---

"Shall be fined not more than $5,000 or imprisoned not more than five years, or both."

EFFECTIVE: 01/31/78

98-1.3 Section 2153 - Destruction of War Material, War Premises, or War Utilities

"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any war material, war premises, or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of 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 subsection (a) of this section."

National emergency was proclaimed by President, December 16, 1950

EFFECTIVE: 01/31/78

98-1.4 Section 2154 - Production of Defective War Material, War Premises, or War Utilities

"(a) Whoever, when the United States is at war, or in times of national emergency as declared by the President or by the Congress, with intent to injure, interfere with, or obstruct the United States or any associate nation in preparing for or carrying on the war or defense activities, or, with reason to believe that his act may injure, interfere with, or obstruct the carrying on the war or defense activities, willfully makes, constructs, or causes to be made or constructed in a defective manner, or attempts to make, construct, or cause to be made or constructed in a defective manner any war material, war premises receptacle used or employed in making, producing, manufacturing, or repairing any such war material, war premises or war utilities, shall be fined not more than $10,000 or imprisoned not more than thirty years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of 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 subsection (a) of this section."

National emergency was proclaimed by President, December 16, 1950.

EFFECTIVE: 01/31/78

98-1.5 Section 2155 - Destruction of National-Defense Materials, National-Defense Premises, or National-Defense Utilities

"(a) Whoever, with intent to injure, interfere with or obstruct the national defense of the United States, willfully injures, destroys, contaminates or infects, or attempts to so injure, destroy, contaminate or infect any national-defense material, national-defense premises, or national-defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of 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 subsection (a) of this section."

EFFECTIVE: 01/31/78

98-1.6 Section 2156 - Production of Defective National-Defense Material, National-Defense Premises, or National-Defense Utilities

"(a) Whoever, with intent to injure, interfere with, or obstruct the national defense of the United States, willfully makes, constructs, or attempts to make or construct in a defective manner, any national-defense material, national-defense premises or national-defense utilities, or any tool, implement, machine, utensil, or receptacle used or employed in making, producing, manufacturing, or repairing any such national-defense material, national-defense premises or national-defense utilities, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) If two or more persons conspire to violate this section, and one or more of 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 subsection (a) of this section."

EFFECTIVE: 01/31/78

98-1.7 Peacetime Statutes

Sections 2155 and 2156 are applicable in peacetime, as well as during a proclaimed national emergency or war.

EFFECTIVE: 01/31/78

98-1.8 Title 50, USC, Section 797 (Public Law 831, Section 21)

"(a) Whoever willfully shall violate any such regulation or order as, pursuant to lawful authority, shall be or has been promulgated or approved by the Secretary of Defense, or by any military commander designated by the Secretary of Defense, or by the Director of the National Advisory Committee for Aeronautics, for the protection or security of military or naval aircraft, airports, airport facilities, vessels, harbors, ports, piers, waterfront facilities, bases, forts, posts, laboratories, stations, vehicles, equipment, explosives, or other property or places subject to the jurisdiction, administration, or in the custody of the Department of Defense, any Department or agency of which said Department consists, or any officer or employee of said Department or agency, or by the National Advisory Committee for Aeronautics or any officer or employee thereof, relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse or other unsatisfactory conditions thereon, or the ingress thereto or egress or removal of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss or injury by accident or by enemy action, sabotage or other subversive actions, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

"(b) Every such regulation or order shall be posted in conspicuous and appropriate places."

National Advisory Committee for Aeronautics ceased to exist September 30, 1958, but Section 797 was not changed.

EFFECTIVE: 01/31/78

98-2 VENUE

(1) In judicial district where illegal act committed.

(2) Venue in conspiracy violations in any judicial district where the conspiracy was entered into or overt act occurs.

EFFECTIVE: 01/31/78

98-3 POLICY

EFFECTIVE: 01/31/78

98-3.1 Cases to be Investigated

(1) Specific complaint with prima facie evidence that act of sabotage has been committed.

(2) Information that actual or potential saboteurs are at large in the U. S.

(3) Specific request from one of the military services for FBI investigation of a definite allegation of sabotage even though the case is within the investigative jurisdiction of Air Force, Army, or Navy under the Delimitations Agreement. The intelligence agency with investigative jurisdiction under the Delimitations Agreement must be agreeable to the FBI conducting the investigation and the request must be made promptly after the incident occurs and without prior investigation by another agency.

(4) If inquiry through local officials or other informed sources reveals cause of incident and eliminates possibility of sabotage, no investigation is necessary. Keep in mind in this connection that a saboteur may be expected to attempt to disguise his work as an accident where feasible.

(5) Instances of willful damage to or destruction of aircraft in interstate, overseas, or foreign air commerce are investigated under destruction of aircraft or motor vehicles statutes, but bear in mind sabotage violation could be involved.

EFFECTIVE: 01/31/78

98-3.2 Alleged Plots of Sabotage

(1) Information is frequently received indicating an act of sabotage will be committed. It is often impossible to check the source or accuracy of such information. Take the following action immediately:

(a) Advise FBIHQ by teletype.

(b) Advise local representatives of Air Force, Army, and Navy intelligence agencies; local police; and officials of plant, facility, or utility involved.

(c) Conduct any logical investigation to ascertain basis for report.

(2) In disseminating information regarding an alleged plot of sabotage, the circumstances surrounding the receipt of the report should be outlined and the facts allowed to speak for themselves. Do not attempt to evaluate the information for other agencies and specifically advise them no evaluation has been made.

(3) Protection of lives and property in connection with an alleged plot of sabotage is responsibility of company or military establishment involved and local authorities. Decision regarding action to be taken or searching for alleged bombs will not be made by FBI. Agents are not to participate in searches for suspected bombs or assume responsibility for handling bomb devices.

EFFECTIVE: 01/31/78

98-3.3 Reporting Acts of Sabotage or Industrial Catastrophes

(1) Advise FBIHQ by telephone, teletype, or airtel of:

(a) Any specific complaint of sabotage or any allegation regarding which investigation conducted.

(b) Catastrophes of national interest.

(2) Also advise local representatives of interested intelligence agencies.

(3) Keep FBIHQ advised of pertinent developments.

(4) Information to furnish FBIHQ, if applicable:

(a) Name and location of plant, facility, or utility involved.

(b) Date and time of occurrence.

(c) Available details.

(d) Government contracts involved.

(e) Identity of agency with security responsibility and any interested agencies.

(f) Estimated damage or production loss.

(g) Any hazardous conditions or carelessness involved.

(h) Salvage or repair work under way.

(i) Any information indicating the act resulted from labor union activity, labor dispute, or strike - including identity of union; extent and duration of dispute or strike; names of union representatives and any subversive tendencies; any evidence of subversive influence; and names of, identifying data regarding, and information from office files regarding any logical suspects.

(j) Statement as to whether investigation being conducted. If no investigation being conducted, facts must be complete to justify this course of action.

(k) If no report being submitted, specific statement to that effect.

(5) When airtel is used to advise FBIHQ of a reported act of sabotage, it must be accompanied by a letterhead memorandum, suitable for dissemination, containing all pertinent information relative to the alleged act of sabotage.

(6) If damage reported as sabotage is definitely attributable to labor union activity, labor dispute, or strike, conduct discreet inquiry if necessary to round out facts, advise FBIHQ and await FBIHQ instructions.

EFFECTIVE: 01/31/78

98-3.4 Slowdown of Production

(1) Slowdown occurs when employees intentionally reduce rate of production. This might be sabotage during period of national emergency as a deliberate plan by subversive forces.

(2) If allegation of sabotage through slowdown received, make discreet inquiry to develop facts but conduct no investigation.

(3) Advise FBIHQ of complaint. Teletype normally not necessary.

(4) Submit closing report under character of sabotage. Include:

(a) Identity of company.

(b) Contracts or production involved.

(c) Extent and cause of slowdown.

(d) Effect on production.

(e) Details of union activity.

(f) Any indication of subversive activity.

EFFECTIVE: 01/31/78

98-3.5 Biological Warfare

(1) Sections 2153 and 2155 include the words "contaminates or infects." This specifically covers sabotage by bacteriological, chemical, or radiological means.

(2) Such sabotage could be used against personnel in defense industries, military personnel and establishments, foodstuffs and other material to be used for national defense or the armed forces.

(3) Such sabotage could be accomplished by the introduction of bacteria, chemical agents, or radiological agents in ventilating systems, water supplies, food supplies, livestock, and food or forage crops.

(4) Advise FBIHQ immediately of any allegation concerning bacteriological, chemical, or radiological sabotage.

(5) As preliminary investigative procedure, determine from appropriate authorities, such as plant physicians, public health services, or agriculture departments, whether cause of any epidemic or unusual outbreak of disease has been determined.

(6) Title 50, USC, Sections 851-857, requires the registration of any person who has knowledge of or has received instruction or assignment in espionage, counterespionage, or sabotage service or tactics of a government of a foreign country or a foreign political party. In investigating any reported act of biological, chemical, or radiological sabotage, determine if there has been a violation of this statute in addition to a violation of the sabotage statutes.

EFFECTIVE: 01/31/78

98-3.6 Presentation of Cases to Department

Sabotage cases are not to be discussed with the U.S. Attorney. All questions of law and jurisdiction and requests for prosecutive opinions are to be submitted to FBIHQ for presentation to the Department.

EFFECTIVE: 01/31/78

98-4 INVESTIGATIVE PROCEDURE

EFFECTIVE: 01/31/78

98-4.1 General

(1) Procedure will depend on circumstances of particular case. All cases must be approached thoughtfully and aggressively. Investigations must be logical and complete.

(2) The investigation of an actual instance of sabotage is not complete until the cause is established and the identity of the subject determined. In a case of actual planned sabotage with intent to injure the national defense, consideration must be given to determining if there are any associates or accomplices through thorough investigation and surveillance prior to apprehension.

EFFECTIVE: 01/31/78

98-4.2 Arson

(1) One of the most effective potential means.

(2) Determine if fire protection devices tampered with to make fire more effective.

(3) Make arrangements with local authorities if necessary to protect scene.

(4) Give early consideration to establishing Bureau's jurisdiction prior to extensive investigative effort.

(5) Important step in arson investigation is determining point in building at which fire originated. Interview any witnesses immediately and ascertain:

(a) Where was witness when fire occurred.

(b) What attracted his attention.

(c) Exact point where fire burning when first observed.

(d) Exact time and general weather conditions.

(e) Technical information of value to Laboratory, such as: color, intensity, and progress of flame, whether fast or slow; color and volume of smoke; unusual odors; and, whether fire at more than one place.

(f) Were any explosions heard during fire.

(g) General observations, identity of other witnesses, or suspicious circumstances.

(h) Action taken by witness after discovering fire.

(6) If fire occurred in manufacturing plant, witness should be questioned with regard to employment and activities and also questioned as to physical conditions in plant, manufacturing processes, type of raw material, and other information to determine if fire hazards were present which could have caused accidental or spontaneous combustion. Question witness concerning smoking habits of employees and experience concerning any previous fires.

(7) Check records of local fire department; interview fire department official at scene for leads.

(8) Make intensive search at point of origin to determine method of incendiarism. Pay particular attention to obtaining suspect devices or material to send to Laboratory.

(9) Important that materials submitted to Laboratory be accurately described as to place, position, and location where found.

(10) Consider value of obtaining photographs.

(11) Search adjacent terrain for evidence, such as footprints, fingerprints, containers which may have contained accelerant used, etc.

(12) Investigate all suspects fully, not only with regard to evidence pointing to them, but to background indicating motive or intent.

(13) Set out below are some suggested sources for background investigations of suspects:

(a) Associates

(b) Credit and arrest records

(c) Bank accounts

(d) State income tax returns

(e) Character and reputation, including discreet neighborhood inquiry

(f) Records of Government agencies, INS, Armed Forces intelligence agencies, etc.

(g) Employment

(h) Fellow employees

(i) Telephone toll calls

(j) Telegrams

(k) Surveillance, if warranted

(l) Develop reliable informants in position to observe subject's activities.

(m) Obtain complete physical description, including nationality and identification record.

EFFECTIVE: 01/31/78

98-4.3 Sabotage by Explosives

(1) Investigation follows general outline as for arson cases.

(2) Careful examination of scene should be made for bomb fragments, dynamite fuse, detonators, blasting caps, and dynamite wrappers. This type of evidence should be submitted to FBI Laboratory for examination. Also look for footprints, fingerprints, and other types of evidence.

(3) Obtain complete photographs of scene.

(4) Assume no responsibility for handling suspected bombs.

(5) Investigate suspects along lines as indicated in previous section regarding arson.

EFFECTIVE: 01/31/78

98-4.4 Mechanical Sabotage

(1) These cases in majority and cover wide variety of destructive acts.

(2) Obtain all details from original complainant so that investigation may be intelligently planned and approached.

(3) Establish jurisdiction early in investigation.

(4) Where foreign material caused damage, obtain in order to trace to source. Submit material to Laboratory where proper.

(5) When damage occurs from foreign substance in lubricants or fuel, important to obtain sufficient quantity for FBI Laboratory examination. It is suggested one gallon be obtained if possible. Where large amount involved, the sludge which has settled to bottom should also be obtained and transmitted for laboratory examination. Samples of unused stock of oil or fuel involved should also be forwarded to Laboratory for comparison.

(6) Where tools, cutting implements, etc., involved, obtain damaged part for FBI Laboratory comparison with suspect tools

when available.

(7) All suspects should be fully investigated. See previous section on arson.

(8) Where incident is of recurring type, give consideration to utilizing dyestuffs.

(9) Where board of inquiry held by another Government agency, records should be examined for possible leads. Bureau will consider granting authority for Agent to attend such hearings as interested spectator in appropriate cases.

EFFECTIVE: 01/31/78

98-4.5 Defective Manufacture of War or National Defense Materials, Premises, or Utilities

(1) In addition to establishing the elements required by the statute, establish whether the defectively manufactured material will or did malfunction when put to its intended use and what damage will or did result from this malfunction. In order to establish this, the following suggestions are made:

(a) Determine the exact function of the defectively manufactured material.

(b) Determine the nature of the defect.

(c) Determine how this defect will affect the intended function of the material.

(2) The following investigative procedures have been found to be of assistance:

(a) Establish requirements or specifications for material by: government specifications; provisions of contract; established trade practices.

(b) Establish existence of any deviation from requirements by interview of government or plant officials; examination by FBI Laboratory.

(c) Specimens of defective material to be submitted

to Laboratory whenever practicable.

(d) To establish possibility of injury or damage from use of such material when put to intended use, consider testimony from one of following sources: FBI Laboratory; Army, Navy, Air Force, or other Government expert; expert in private industry; officials of company involved; subjects of the investigation.

(e) Establish that subjects deliberately manufacturing defective materials by review of correspondence between manufacturer and purchaser; determine if manufacturing done surreptitiously; establish purchase and use of equipment not ordinarily used in this manufacturing process; establish whether contracting parties or Government agencies have objected to defective material or improper processes.

(f) Establish motive on the part of subjects as to foreign sympathies; desire to increase profit; desire to maintain production.

(g) If material manufactured for military, advise local representatives of Air Force, Army, and Navy intelligence agencies. Request their assistance in determining where material being used and in arranging for examination of material.

EFFECTIVE: 01/31/78

98-4.6 Aircraft Crashes

(1) The following instructions pertain to deliberately caused crashes of aircraft connected with the national defense which are not covered by the destruction of aircraft or motor vehicles statutes.

(2) Majority of crashes of such aircraft result from causes other than sabotage. To determine cause requires technical knowledge. Cases will normally be referred to FBI after cause of crash established.

(3) Make sure that all evidence which was developed to establish cause of crash has been properly identified and protected and that adequate expert testimony is available to establish cause of crash in any subsequent prosecution.

(4) Under special circumstances, FBI may conduct investigation to establish cause of crash or take charge of investigation before exact cause of crash determined. Specific FBIHQ authority must be obtained in such instances. Some suggested investigation to establish cause of crash follows:

(a) Careful systematic examination of wreckage

(b) Photographs or sketches showing entire crash scene from various angles; close-up views from various angles; photographs of parts torn loose; photographs of instruments and levers in cockpit; photographs of marks made by airplane on ground.

(c) Persons to be interviewed for information are crew members or other survivors; persons who heard the plane before the crash; eyewitnesses; radio operators in contact with the plane; ground crew members and mechanics who serviced plane.

(d) Witnesses should be interviewed to obtain information as to the maneuvers of plane prior to crash; did plane appear to be out of control; did plane dive into ground or was landing attempted; were all engines operating; was plane on fire; did plane come apart in flight; did engines sound normal; was pilot lost or over unfamiliar territory; was plane on scheduled course; was landing attempt in accordance with normal procedure; was plane in radio contact; did plane's crew experience any mechanical difficulty; was log maintained while plane in flight; were any defects noted during previous flights; weather conditions at time of flight.

(e) In determining condition of airplane or manner in which functioning at time of crash, it is important to observe and carefully note exact position of all instruments in cockpit, such as fuel tank selectors, switches, throttles, etc. The condition of all control surfaces should also be carefully noted. From observation of all these items and discussion with persons experienced in handling aircraft, the condition of the plane and action being taken by pilot can often be determined.

EFFECTIVE: 01/31/78

98-4.7 Reserve Officers' Training Corps (ROTC) Cases

(1) Department has determined that ROTC facilities constitute national-defense or war premises within meaning of Title 18, USC, Section 2151, and a deliberate attack by arson, bombing, fire bombing, or other means would possibly be a violation of Title 18, USC, Sections 2153 and 2155.

(2) Following additional procedures are to be followed in this particular type of case in order to provide information desired by Department for an opinion:

(a) For a complete investigation all pertinent individuals must be interviewed, including members of college or university community unless compelling reasons to the contrary exist.

(b) Develop existence of any plans for protest demonstrations or other acts designed to dramatize opposition to ROTC training.

(c) Submit any leaflets and/or other publicity afforded anti-ROTC protest demonstrations as enclosures to communications to FBIHQ.

(d) Identify specific property belonging to ROTC unit which was damaged or destroyed; obtain a complete inventory of all property maintained by ROTC unit.

(e) Obtain an estimate of actual cost in damage to ROTC facility and any ROTC property damaged or destroyed.

(f) Obtain details as to ownership of ROTC facility, including information as to funding and control of space of the facility utilized for ROTC training.

(g) Determine specific manner by which ROTC unit is identified on exterior of building.

(h) Determine whether ROTC training is compulsory or voluntary. If a subject is developed, determine whether he was denied, previously afforded, or is currently engaged in ROTC training.

(i) Through investigation determine whether subject made any pre-act or post-act statements which would aid in establishing his specific intent to commit sabotage.

EFFECTIVE: 01/31/78

98-5 SUBMISSION OF REPORTS

(1) Initial report in two weeks after complaint received.

(2) Subsequent reports to be submitted in accordance with Bureau reporting procedures.

EFFECTIVE: 01/31/78

98-6 CHARACTER - SABOTAGE

EFFECTIVE: 01/31/78

SECTION 100. DOMESTIC SECURITY/TERRORISM INVESTIGATIONS; |(100A); SPECIAL EVENTS MANAGEMENT (100B);| INFRASTRUCTURE VULNERABILITY/KEY ASSET PROTECTION SUBPROGRAM|(100C)|

100-1 GENERAL PROVISIONS

EFFECTIVE: 12/10/91

100-1.1 Investigative Jurisdiction

Investigations by the FBI under this section are based on the Attorney General's Guidelines on General Crimes, Racketeering Enterprise, and Domestic Security/Terrorism Investigations|(AGG).| These Guidelines, which became effective March 21, 1983, and were revised April 4, 1989, rescind all previous|versions of those| Attorney General Guidelines. The full text of these Guidelines is set forth in|the Introduction, 1-3,|of this manual. Some sections of the Guidelines, such as the "General Principles," the rules governing the "Investigative Techniques," and "Dissemination of Information" have general applicability to all investigations and should be consulted when appropriate. Section III, Part B, governing Domestic Security/Terrorism investigations, together with a commentary on key provisions relating to them, is set forth below|in 100-1.2 and 100-1.2.1:|

EFFECTIVE: 06/23/97

100-1.2 Domestic Security/Terrorism Investigations |(See MIOG, Introduction, 1-3, and Part I, 100-1.1.)|

"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." |(AGG III.B.)|

EFFECTIVE: 06/23/97

100-1.2.1 Commentary |(See MIOG, Part I, 100-1.1.)|

(1) The Guidelines emphasize the need for criminal intelligence in Domestic Security/Terrorism investigations, and treat these investigations as an integral part of the FBI's law enforcement responsibilities.

(2) The rules governing Domestic Security/Terrorism investigations employ the "criminal enterprise" concept so successfully used in organized crime cases. This allows the FBI to cross organizational lines in Domestic Security/Terrorism investigations without regard to what a particular group or element of an organization might call itself. It should enable the Bureau to deal more effectively with groups who knowingly act in furtherance of the criminal objectives of the enterprise. Thus, persons who provide safehouses, money, weapons, or otherwise knowingly support the criminal activities of the terrorist enterprise can be investigated as part of the same criminal enterprise. It will no longer be necessary to open a separate investigation of such groups with a separate justification.

(3) The enterprise concept will also permit the FBI to focus its investigation upon violent factions of a larger group, without investigating the entire group. The new approach recognizes that terrorist groups today have a fluid membership and often lack organizational structure, yet function as a single enterprise directed toward a common goal.

EFFECTIVE: 06/23/97

| 100-1.2.2 General Authority |(See MIOG, Introduction, 1-3.)|

"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 a full 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." |(AGG III.B.1.a)|

"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." |(AGG III.B.1.b)|

"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." |(AGG III.B.1.c)|

EFFECTIVE: 06/23/97

100-1.2.3 Commentary |(See MIOG, Introduction, 1-3.)|

(1) Domestic Security/Terrorism Investigations

(a) The enterprise approach authorizes a single level of investigation for Domestic Security/Terrorism investigations, i.e., a criminal intelligence investigation. This permits techniques, such as the development of new informants and the infiltration of organizations when an investigation is begun. Preliminary inquiries involving individual members of an organization or enterprise can be conducted under General Crimes authority|as an "Act of Terrorism" (AOT) investigation (266 classification)|when facts or circumstances fall short of the "reasonable indication" threshold, but allege some form of specific criminal activity. These preliminary inquiries should be reported under|an Act of Terrorism|caption and|thereafter identify the specific predicate offense (refer to MIOG, Part I, Section 266). The AOT investigation may|be used to determine whether leads indicating the specific criminal activity warrant a Domestic Security/Terrorism investigation. This|approach draws|a sharper distinction between inquiries related to specific criminal conduct and intelligence investigations focused on an entire enterprise.

(b) A Domestic Security/Terrorism investigation may be initiated when "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." This parallels the standard now followed in Racketeering Enterprise Investigations, and should eliminate any perception that actual or imminent commission of a violent crime is a prerequisite to investigation. It is not necessary to show that a crime is about to be committed, or that persons are planning or preparing to engage in a specific crime. It is sufficient if the facts or circumstances indicate that the enterprise seeks to accomplish its political or social objectives through violence. The standard requires a valid factual predicate and law enforcement

purpose, but it is substantially lower than the "probable cause" threshold required for arrest.

(c) The Attorney General Guidelines also make clear that there are circumstances in which advocacy of criminal activity may trigger an investigation. (See Part I. General Principles.) They recognize the limitations imposed by the First Amendment and by the Privacy Act of 1974. At the same time they take note of the fact that words can indicate an intent to take action and that the role of intelligence investigations is preventive as well as prosecutorial. The Guidelines call attention to the fact that advocacy should be viewed in the context in which it is made. Some radical statements may be recognized as harmless puffery or rhetoric, whereas others, in the context in which they are made, may be a clear warning of illegal activity to follow. In those latter circumstances, an investigation should be authorized.

(d) The Guidelines make it clear that statements which advocate criminal activity or indicate an apparent intent to engage in crime, particularly crimes of violence, are not immune from investigation. Advocacy of unpopular ideas or lawful political dissent alone is not an adequate basis for investigation, but statements which, taken in context, present a credible threat of crime should not be ignored. The mere fact that one "goes public" with statements indicating an intent to engage in crime or urging others to do so does not convey some special protection under the Constitution. Indeed, some statements such as those threatening the President or a foreign official are themselves crimes; others may constitute evidence of a crime or of an intent to commit a crime.

1. It is important to understand, however, that the advocacy provision in this section does not itself provide any special authority with respect to such matters. It must be implemented in accordance with the other substantive provisions of the Guidelines and only when the threshold standards for an investigation are satisfied. Advocacy of crime may result in the initiation of a full general crimes investigation (266 classification) when the facts or circumstances reasonably indicate that a federal crime has been, is being, or will be committed. It could also lead to the opening of a Domestic Security/Terrorism investigation when the facts or circumstances reasonably indicate that two or more persons are engaged in an enterprise that seeks to accomplish political or social change through force or violence in violation of federal law.

2. In view of these requirements, it is unlikely that a full investigation would be initiated without some

additional facts or circumstances beyond the statements themselves. As a practical matter, we are seldom confronted with words alone; there is often some additional information available about the persons involved or the circumstances in which the statement was made. That is implicit in the requirement that the statements advocating criminal activity must be viewed in context before further inquiry will be authorized. Furthermore, you should attempt to resolve|simple "advocacy" statements|in Domestic Security/Terrorism|matters|through |Act of Terrorism (266 classification)|preliminary inquiries whenever possible.

3. Nonetheless, the Guidelines do not foreclose the possibility of a full investigation based on advocacy alone, particularly where the statement suggests a serious and immediate prospect of harm. This should not be confused with the standards required by the courts for the imposition of a criminal penalty for the making of certain statements. The Guidelines do not deal with prosecution, but rather with investigation|conducted prior|to prosecution. Unless the statements themselves are crimes, the Bureau's primary interest here is in determining what those statements tell us about the intent of the individuals involved. It is often difficult to separate "rhetoric" from "intent" and to make an informed judgment about the likelihood of harm without inquiring into the context or circumstances in which the statements were made. It should be sufficient if, on the face of it, the statement qualifies for|an AOT|preliminary inquiry or|full investigation, or a full Domestic Security/Terrorism investigation|under the standards required by the Guidelines.

(2) Preliminary Inquiries

(a) All preliminary inquiries will be conducted pursuant to the General Crimes Guidelines. There is no separate provision for a preliminary inquiry in the Racketeering Enterprise or Domestic Security/Terrorism Sections of the Guidelines. |You|must rely on the authority in the General Crimes Preliminary Inquiries Section to follow up on information or allegations that do not warrant a Domestic Security/Terrorism investigation. (See Part II|B of the AGG.) Therefore, preliminary inquiries regarding domestic terrorism matters may not be initiated in Domestic Security/Terrorism investigations (100 classification), but may be initiated in AOT investigations (266 classifications).|

(b) |Deleted|

(c) |Deleted|

(d) |Deleted|

(e) |Deleted|

EFFECTIVE: 06/23/97

100-2 DOMESTIC SECURITY/TERRORISM INVESTIGATIONS

EFFECTIVE: 12/10/91

| 100-2.1 Purpose |(See MIOG, Introduction, 1-3.)|

"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." |(AGG III.B.2) (Also see 100-2.2.)|

EFFECTIVE: 06/23/97

| 100-2.2 Scope |(See MIOG, Part I, 100-2.1.)|

"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." |(AGG III.B.3)|

EFFECTIVE: 06/23/97

100-2.3 Authorization and Renewal (See MIOG, Introduction, 1-3.)

"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." |(AGG III.B.4.a)|

"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." |(AGG III.B.4.b)|

"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." |(AGG III.B.4.c)|

"d. Each investigation should be reviewed at least annually to ensure 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." |(AGG III.B.4.d)|

"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." |(AGG III.B.4.e)|

"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." |(AGG III.B.4.f)|

EFFECTIVE: 06/23/97

100-2.3.1 Commentary

There has been a tendency in the past to close domestic security investigations and terminate informant coverage when the violent activity of the group has been dormant for a period of time. If the organization became active again, it was often a difficult and time-consuming process to redevelop informant coverage. |The AGG (Part III.B.4.d)|permits the FBI to monitor organizations that may be temporarily inactive, but whose prior record or stated objectives indicate a need for continuing federal interest, so long as the threshold standard for investigation is satisfied. Under those circumstances, the investigation may|remain|in a pending status, |and|informant coverage can be maintained to the extent necessary to determine whether there is any change in the criminal objectives of the enterprise. |The ability to continue an investigation, despite temporary inactivity of acts of violence or lack of immediate threat, is often referred to as the "dormancy provision" of the AGG and is a significant advantage that Domestic Security/Terrorism (100) investigations afford over AOT (266) cases.|

EFFECTIVE: 06/23/97

100-3 RESULTS OF INVESTIGATION

EFFECTIVE: 12/10/91

100-3.1 Reporting

(1) The contents of communications which report the results of Domestic Security/Terrorism investigations should be limited to information about the criminal enterprise under investigation. Recommendations, opinions, and conclusions of the FBI should be included in the administrative portion of the communication, or in the case of letterhead memoranda (LHM), in the cover electronic communication. In preparing LHMs which are disseminated to the Terrorism and Violent Crimes Section, Department of Justice, and to other agencies on a need-to-know basis, emphasis should be placed on factual accuracy.

(2) In all communications submitted under a Domestic Security/Terrorism caption, a statement indicating the authorized period of investigation should be set forth. This statement should be placed after the case caption and after referencing previous communications. For example:

"XYZ ORGANIZATION;
DOMESTIC SECURITY/TERRORISM;
OO: NEW YORK";

"Reference New York teletype to Director, 5/1/86;

"Domestic Security/Terrorism investigation authorized 5/18/86 to expire 11/14/86."

EFFECTIVE: 06/23/97

100-3.1.1 Deadlines (See MAOP, Part II, 10-9(23).)

(1) When a Domestic Security/Terrorism investigation is completed or nearing expiration, the results of the investigation are to be furnished to FBIHQ in an LHM with a cover|electronic communication (EC)|recommending an extension or closing of the matter. This report is due no later than 180 days after the initiation of the investigation. A second report is due at the end of the first year of investigation. These reports should be presented in a summary, narrative form, containing specific and articulable facts adequate to meet the "reasonable indication" standard of the Attorney General's Guidelines for renewal, or sufficient information which warrants the investigation being placed in a closed status. Any recommendations, opinions or conclusions of the FBI should be included in the cover |EC,|but not in the LHM. The cover|EC|should also include a paragraph which sets forth future investigative and prosecutive goals and a paragraph which sets forth the investigative strategy to be implemented in order to attain these goals. The investigative goals paragraph may include objectives which relate to the improvement of the intelligence base, use of technical or undercover techniques, or any other vulnerability which can be exploited. The investigative strategy paragraph(s) should describe how these goals and objectives will be reached during the next 180 days. The LHM and cover|EC (hard copy)|should be submitted to arrive at FBIHQ at least ten working days prior to the expiration of the current authorization period and should be organized as follows:

(a) Predication - This should include a paragraph(s) relating the circumstances which caused a full DS/T investigation of the captioned group or individuals to be initiated.

(b) Background Information on Group - In addition to a description of the group under investigation, this section should include, but not be limited to, the following:

1. Specific criminal acts the group has committed, or is advocating, to achieve its political or social goals.

2. Key leaders and members of the group.

3. Finances of the group.

4. Geographical dimensions of the group.

5. Planned activities and goals of the group.

6. Association with other organizations/groups which are subjects of an FBI DS/T investigation.

(c) Activities during the last 180 days - This section should include a summary of investigative results of the office of origin and all auxiliary offices.

(d) Justification for Continuation of Investigation - This segment should set forth in succinct detail how the facts of this investigation conform with the Attorney General's Guidelines for DS/T investigations. It should contain a paragraph(s) which reasonably indicates that two or more persons are continuing to engage in an enterprise for the purpose of furthering political or social goals, wholly or in part, through activities which involve force or violence and a violation of the criminal laws of the United States.

(2) The due date of this report is calculated from the date the Domestic Security/Terrorism investigation was approved by FBIHQ. After the first year, the office of origin should continue to submit reports in ongoing Domestic Security/Terrorism investigations each 180 days. These reporting deadlines allow for compliance with the requirements of the Attorney General Guidelines and do not preclude, nor should they discourage, the reporting of results of investigation by teletype, EC, telephone, or other form of communication to FBIHQ and pertinent field offices during the course of the investigation. Significant data developed during the period between 180-day reports, which requires notification to FBIHQ or dissemination to other agencies, should be submitted by EC, LHM, teletype, or telephone, depending on the exigencies of the situation. Communications containing information of interest for other agencies should be prepared in a form suitable for dissemination. Significant information furnished on an interim basis should also be included in the next regularly scheduled report.

(3) Communications (hard copies) recommending an extension of Domestic Security/Terrorism investigations should be received at FBIHQ no later than ten working days prior to the expiration of such matters.

(4) Deleted

EFFECTIVE: 06/23/97

100-3.1.2 Predications

In Domestic Security/Terrorism investigations, the basis for the investigation shall be set forth as the first paragraph in the details of the initial LHM. Formal predications are no longer required. A statement including pertinent portions of the Attorney General Guidelines is sufficient.

EFFECTIVE: 12/10/91

100-3.1.3 Documentation of Information

All communications should be limited to documented information relevant to the scope of the investigation. No information should be reported concerning an individual's social or personal habits or other background data which is not relevant to an assessment of his/her activities or affiliation with the enterprise under investigation.

EFFECTIVE: 12/10/91

100-3.1.4 Undisclosed Sources

(1) Where the identity of the source of information is not disclosed in a Domestic Security/Terrorism report, an assessment of the reliability of the source shall be provided.

(2) In all communications, the source of the information should be identified by symbol number or name in either the cover pages or administrative section of the communication.

EFFECTIVE: 12/10/91

100-3.1.5 Characterizations

(1) A characterization of the group should be included as part of the initial LHM submitted. Characterizations should be outlined as the first paragraph of the LHM or as an appendix to the LHM.

(2) This instruction eliminates the previous reporting requirement of providing characterizations of subversive organizations. All characterizations should include a statement regarding the political or social goals which the group hopes to achieve through violence, its geographic area of operation, and a summary of the violence or criminal activity it either has been involved in or is advocating in the future. In instances where only advocacy of violence is present, a statement should also be included regarding the ability of group members to carry it out and the likelihood of the harm intended. (For further instructions on the preparation of characterizations, see Part II, 10-17.13, of the Manual of Administrative Operations and Procedures.)

EFFECTIVE: 12/10/91

100-3.1.6 Character

The designation "Domestic Security/Terrorism" should be used in all cases, e.g., "(Name of Organization); Domestic Security/Terrorism." If a subsidiary or front group is involved, include the name or abbreviation of the parent organization, e.g., "(Name of Organization); Domestic Security/ Terrorism - (Name of Subsidiary Organization)."

EFFECTIVE: 12/10/91

100-3.1.7 Copies - 180-Day Reports and LHMs

Five copies of 180-day reports in LHM form should be submitted to FBIHQ, unless instructed otherwise in specific cases. The office of origin should also provide information copies of these reports to involved field offices.

EFFECTIVE: 12/10/91

100-3.1.8 Informant Coverage

Cover|electronic communications|should include a brief summary of informant coverage available with respect to a group or enterprise, identifying informants who report on the group's activities by symbol number, and showing specifically which informants are members of the group.

EFFECTIVE: 06/23/97

100-3.1.9 Office of Origin

The field office wherein the criminal enterprise is headquartered, or whose Domestic Security/Terrorism activities largely occur in, or impact upon, should be designated as origin. In unusual circumstances where there is doubt which office should be origin, a request should be made to FBIHQ to designate an office of origin. In cases where the office of origin receives information that a criminal enterprise has changed its area of operation to the territory of another division, and justification to investigate exists based on the criminal enterprise's current activities, the office of origin should request verification of this information to be completed within 30 days. If the new area of operation is confirmed, the office of origin will be transferred. The level of investigation being conducted by the previous office of origin should be continued by the new office of origin unless facts, in addition to the criminal enterprise's relocation, indicate that another form of investigation is more appropriate. Reporting deadlines applicable to the former office of origin are to be followed by the new office of origin.

EFFECTIVE: 12/10/91

100-3.2 Additional Reporting Requirements

The following reporting requirements are separate from, and in addition to, the 180-day reports requesting renewal authorization or recommending the closing of a Domestic Security/Terrorism investigation outlined above:

(1) BASIS FOR ADDITIONAL REPORTING - Past investigation of domestic terrorist organizations has demonstrated that in order to achieve success in these cases the primary thrust must be prosecutive; however, experience has also shown that a successful prosecution against a terrorist enterprise does not necessarily mean its demise.

|(a) During the course of a DS/T criminal intelligence investigation, specific articulable criminal violations may be identified which would reasonably indicate enforcement activity or court proceedings (e.g., arrest, discovery hearings, etc.) will occur. At that time, a general criminal investigation (266 case) should be opened to focus upon the specific criminal activity. The criminal intelligence investigation (100 case) would continue to focus on the entire enterprise, as the scope of the AOT case may be limited to a relatively small portion of the total activity of that enterprise.

(b) While it may be appropriate for all investigative results generated from an AOT (266) case to be placed in the corresponding 100 file, the converse is not true. Only those details in the 100 case which specifically pertain to the subjects of the AOT case should be placed in the 266 file.|

(2) ADDITIONAL REPORTING PROCEDURES - In order to mandate the essential analysis of these groups and to provide for a more adequate and efficient intelligence base in Domestic Security/Terrorism investigations, the following reporting procedures shall be followed.

(a) In addition to the submission of a 180-day LHM requesting renewal authorization or closing of a Domestic Security/Terrorism investigation, the office of origin will also submit separate investigative inserts on individual members of the enterprise, and other persons likely to be knowingly acting in furtherance of its criminal objectives, using the following format:

1. Name and known aliases of subject;

2. Biographical data to include: date of

birth, place of birth, height, weight, eye and hair color, social security account number, distinguishing marks or characteristics, build, past and current addresses, past and current phone numbers, educational background, employment (past and present), and criminal record to include dates, offense, location, disposition, and FBI, state and local agency identifying numbers. Also include Henry and NCIC fingerprint classifications.

3. Short narrative explaining the role or position of the subject in the group or enterprise, including any known or suspected criminal activity in which the subject is or has been involved.

4. Summary of subject's travel, domestic and foreign, including dates and points of travel. Also, detail nature of contacts that subject has had with other groups or enterprises under investigation.

5. Statement of subject's source of finances, if known.

6. Glossy 3 by 5 inch photograph of member, if available. If not available, efforts should be made to obtain one.

(b) In cases where a subject(s) resides within an auxiliary office territory, the auxiliary office will prepare inserts as above, and forward them to the office of origin 30 days prior to the expiration of the current authorization. This will be incorporated into the office of origin's submission to FBIHQ.

(c) Following the initial submission of these inserts, follow-up inserts should contain only information which has changed since the last reporting. Photographs of subjects should be updated at least annually.

(d) To facilitate the preparation of these inserts, subfiles for each subject should be created which will provide appropriate documentation and retrieval capability.

EFFECTIVE: 06/23/97

100-4 PUBLICATIONS OF DOMESTIC SECURITY/TERRORISM ORGANIZATIONS; COLLECTION OF PUBLICLY AVAILABLE INFORMATION

(1) The Attorney General Guidelines on General Crimes, Racketeering Enterprise, and Domestic Security/Terrorism Investigations allow the FBI to collect publicly available information subject to the constraints of the Federal Privacy Act of 1974. This Act prohibits the collection, maintenance and dissemination of any record describing how an individual exercises First Amendment Rights, except when authorized by statute, or when pertinent to and within the scope of an authorized law enforcement activity.

(2) The FBI, in this regard, is authorized to collect general information which is available to every citizen even though there is no active investigation. Examples of information we may collect is that which is obtainable through the printed news media data banks, e.g., The NEW YORK TIMES Data Bank, public libraries, newspapers, and magazines. This type of material is collected as library material, and should not be indexed as to particular individuals or placed in FBI files.

(3) Publications issued by a group which is the subject of a Domestic Security/Terrorism investigation can be collected. This type of material can be indexed as to particular individuals and can be made a part of the investigative file.

(4) 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. (See MIOG, Introduction, 1-4; Part I, 190-5.1; MAOP, Part II, 9-4.4.2(2).)

(5) 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.

(6) 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: 06/23/97

100-5 INFRASTRUCTURE VULNERABILITY/KEY ASSET PROTECTION SUBPROGRAM; COUNTERTERRORISM PROGRAM

(1) Background - With the increase of terrorism in the latter half of this century, there has been a developing awareness of the possibility of a terrorist attack against key assets of this nation's infrastructure. This vulnerability was underscored in 1985, by the Vice President's Task Force on Terrorism which concluded that key industrial and governmental assets within this nation's infrastructure could pose attractive terrorist targets with potentially disastrous consequences. As an executive level participant to the task force on terrorism and lead agency for counterterrorism within the United States, the FBI developed and implemented an Infrastructure Vulnerability/Key Asset Protection Subprogram to facilitate protection against this threat.

On November 18, 1988, President Reagan signed Executive Order (EO) 12656, "Assignment of Emergency Preparedness Responsibilities." This EO assigned to 26 Federal agencies "lead" and "support" responsibilities for National Security Emergency Preparedness (NSEP). The Department of Justice (DOJ), was included in the order. Essentially, the EO addresses the need to protect this nation's critical facilities and services in anticipation of a national emergency.

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ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 7-23-98 BY

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(3) Subprogram Objective: The objective of the FBI's Infrastructure Vulnerability/Key Asset Protection Subprogram is to identify key assets, develop liaison, and assist in contingency planning where necessary and, by doing so, to facilitate the protection of the U.S. infrastructure.

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FEDERAL BUREAU OF INVESTIGATION
FOIPA
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1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

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Section 552a

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(6) Related Programs:

refer FEMA

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refer DOD

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(10) TURK: Subclassification used in recording time spent on these matters is 100C.

(11) Character: Infrastructure Vulnerability/Key Asset Protection Subprogram

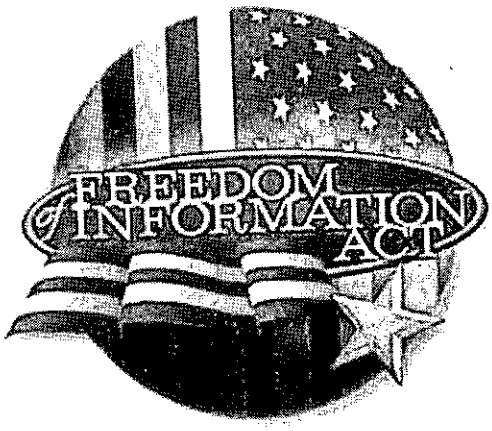
EFFECTIVE: 12/10/91

FOIPA COVER SHEET

FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT: MANUAL OF INVESTIGATIVE OPERATIONS AND GUIDELINES (MIOG)

Volume: 2 PART 1



FEDERAL BUREAU OF INVESTIGATION

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VOLUME II
PART I

Manual of Investigative Operations and Guidelines

SECTION 102. VOORHIS ACT

102-1 STATUTE

Title 18, USC, Section 1386.

EFFECTIVE: 01/31/78

102-1.1 Registration of Certain Organizations

This act provides that the following organizations shall be required to register with the Attorney General:

"Every organization subject to foreign control which engages in political activity;

"Every organization which engages both in civilian and military activity and in political activity;

"Every organization subject to foreign control which engages in civilian military activity; and

"Every organization, the purpose or aim of which, or one of the purposes or aims of which, is the establishment, control, conduct, seizure, or overthrow of a government or subdivision thereof by the use of force, violence, military measures, or threats of any one or more of the foregoing."

EFFECTIVE: 01/31/78

102-2 DEPARTMENTAL POLICY

Very rarely has the Department authorized prosecution under this statute.

EFFECTIVE: 01/31/78

102-3 VENUE

Where the violation is failure to register, venue will lie only in the District of Columbia.

EFFECTIVE: 01/31/78

102-4 CHARACTER - VOORHIS ACT

EFFECTIVE: 01/31/78

SECTION 103. INTERSTATE TRANSPORTATION OF STOLEN|LIVESTOCK|

103-1 STATUTES

Title 18, USC, Sections|667,|2311 (in part), 2316, and 2317

EFFECTIVE: 07/11/85

103-1.1 |Section 667 - Theft of Livestock

"Whoever obtains or uses the property of another which has a value of $10,000 or more in connection with the marketing of livestock in interstate or foreign commerce with intent to deprive the other of a right to the property or a benefit of the property or to appropriate the property to his own use or the use of another, shall be fined not more than $10,000 or imprisoned not more than five years or both."|

EFFECTIVE: 07/11/85

103-1.2 Section|2316 - Transportation of Stolen|Livestock|

"Whoever transports in interstate or foreign commerce any livestock,|knowing the same to have been stolen, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

EFFECTIVE: 07/11/85

103-1.3 Section|2317 - Sale or Receipt of Stolen|Livestock|

"Whoever receives, conceals, stores, barters, buys, sells or disposes of any|livestock,|moving in or constituting a part of interstate or foreign commerce, knowing the same to have been stolen, shall be fined not more than $5,000 or imprisoned not more than five years, or both."

EFFECTIVE: 07/11/85

103-1.4 Section 2311 - Definitions

"... 'Livestock' means any domestic animals raised for home use, consumption or profit, such as horses, pigs, llamas, goats, fowl, sheep, buffalo, and cattle, or the carcasses thereof."

EFFECTIVE: 10/24/94

103-1.5 Elements (Title 18, U.S. Code, Sections 2316 and 2317)

(1) That livestock were stolen.

(2) That the livestock were transported in interstate or foreign commerce.

(3) The person transporting the livestock knew them to have been stolen; or, the person receiving, concealing, storing, bartering, selling, or disposing of the livestock knew them to have been stolen. Pursuant to Title 18, USC, Section 21, the element of guilty knowledge may also be established by proof that the defendant believed that the livestock were stolen, after or as a result of an official representation as to the nature of the property (see MIOG, Part II, 1-1.12).

EFFECTIVE: 10/23/95

103-1.6 Elements (Title 18, U.S. Code, Section 667)

(1) Unlawfully obtaining the property of another having a value of $10,000 or more.

(2) Marketing livestock in interstate or foreign commerce.

(3) Intent to deprive or defraud another through larceny, embezzlement, misapplication, fraud, deception or conduct of a similar

nature.

EFFECTIVE: 07/11/85

103-1.7 Gist of the Offense

Under Section 667 the gist of the offense is unlawfully obtaining the property of another having a value of $10,000 or more, or its use, in connection with the marketing of livestock in interstate or foreign commerce. The property could be the livestock itself, or any money, checks, or other property paid to acquire the livestock. The deprivation need not be permanent. Thus, Section 667 can reach the situation involving a defrauded purchaser who does not receive the livestock he/she has paid for, as well as the situation involving a defrauded seller who does not receive payment for the livestock he/she has sold and delivered.

EFFECTIVE: 07/11/85

103-2 INVESTIGATIVE PROCEDURE

(1) Definitely establish actual theft has occurred.

(a) Many reported thefts are results of straying.

(b) If information obtained from other than owner, interview owner or owner's representative.

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(c) If scene of theft located, make complete crime scene search, with attention directed to [redacted]

(2) If facts indicate a violation, obtain information regarding owner's brand, evidence of ownership, tattoos, ear tags, description of the livestock, peculiar markings, full particulars surrounding the theft, and the names and descriptions of suspects and of any vehicles they may utilize or that were seen in the area of the theft. Some states have laws requiring owners to designate a brand and register same. Others have laws providing that a certified copy of a recorded brand is prima-facie evidence of ownership.

(3) If violation indicated

(a) Immediately notify state brand inspector in state where|livestock|taken, and request that inspector's organization be alert for|livestock|bearing owner's brand, for activities of suspects, and for vehicles that may have been seen in area of the theft.

(b) State brand inspectors, and/or local law enforcement officers, frequently have authority to stop and inspect|livestock|in transit.

(c) Some states require that|livestock|being transported from or into these states have permits requiring such transportation.

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[redacted]

(e) Brand inspectors often have book listing all registered brands for comparison purposes.

(4) If facts indicate stolen|livestock|may be disposed of through large stockyard, set out leads for offices covering stockyards or other large concentration points of|livestock,|and request that stops be placed. Same holds true for regional|livestock|auctions.

(5) If possibility exists stolen|livestock|slaughtered and sold to butchers.

(a) Determine through sources and local law enforcement agencies which butchers may deal in stolen meat, and

(b) Determine from meat-packing house and their salespeople whether any customer has had sudden, unexplained decrease in purchases.

EFFECTIVE: 07/11/85

103-3 PRESENTATIONS TO U.S. ATTORNEY'S OFFICE

(1) If livestock obtained through the giving of fraudulent check or security, present facts to USA for prosecutive opinion prior to extensive investigation.

(2) If facts indicate transportation of portions of slaughtered livestock, obtain opinion of USA to determine if such portions fall within statutory term "carcass."

(3) Present facts to USA in single animal theft cases to determine if USA will prosecute such a case. If not, close case administratively and notify brand inspectors and/or local law enforcement agency.

EFFECTIVE: 07/11/85

103-4 REPORT WRITING RULES

(1) Forward to FBIHQ copy of any prosecutive summary report prepared in this classification of investigation for the USA's Office, utilizing current Bureau guidelines for the preparation of such reports.

(2) No report need be forwarded under any other circumstances unless it is determined to be the most logical means to disseminate the results of investigation accumulated, or when it is decided that a report is the best means to disseminate such results to other Federal agencies through FBIHQ rather than via an LHM.

EFFECTIVE: 07/11/85

103-5 VENUE

In an district from, through, or into which such livestock have been transported (Title 18, USC, Section 3237).

EFFECTIVE: 07/11/85

| 103-6 CHARACTER - INTERSTATE TRANSPORTATION OF STOLEN |LIVESTOCK|

EFFECTIVE: 07/11/85

SECTION 105. FOREIGN COUNTERINTELLIGENCE|INVESTIGATIONS|

105-1 FOREIGN COUNTERINTELLIGENCE INVESTIGATIONS

Information concerning the|105|classification is set forth in a separate FBI manual, the|NATIONAL FOREIGN INTELLIGENCE PROGRAM MANUAL (NFIPM).|

EFFECTIVE: 02/14/97

SECTION 109. FOREIGN POLITICAL MATTERS

109-1 FOREIGN POLITICAL MATTERS

This is a control file utilized by FBIHQ and field offices as a repository for intelligence information of value on the above subject.

Information in this file is broken down by Country.

EFFECTIVE: 01/31/78

SECTION 110. FOREIGN ECONOMIC MATTERS

110-1 FOREIGN ECONOMIC MATTERS

This is a control file utilized by FBIHQ and field offices as a repository for intelligence information of value on the above subject.

Information in this file is broken down by Country.

EFFECTIVE: 01/31/78

SECTION 111. FOREIGN SOCIAL CONDITIONS

111-1 FOREIGN SOCIAL CONDITIONS

This is a control file utilized by FBIHQ and field offices as a repository for intelligence information of value on the above subject.

Information in this file is broken down by Country.

EFFECTIVE: 01/31/78

SECTION 112. FOREIGN FUNDS

112-1 FOREIGN FUNDS

This is a control file utilized by FBIHQ and field offices as a repository for intelligence information of value on the above subject.

Information in this file is broken down by Country.

EFFECTIVE: 01/31/78

SECTION 113. FOREIGN MILITARY AND NAVAL MATTERS

113-1 FOREIGN MILITARY AND NAVAL MATTERS

This is a control file utilized by FBIHQ and field offices as a repository for intelligence information of value on the above subject.

Information in this file is broken down by Country.

EFFECTIVE: 01/31/78

SECTION 115. BOND DEFAULT

115-1 BACKGROUND

|The Bail Reform Act of 1984, enacted October 12, 1984, as part of the Comprehensive Crime Control Act of 1984, replaced Sections 3141-3151 of Title 18, United States Code. Sections 3141-3149 were later amended in the Criminal Law and Procedure Technical Amendments Act of 1986, enacted November 10, 1986. Sections 3142 and 3143 were amended, and 3151 added, in Public Law 100-690, enacted November 18, 1988. The new provisions are designed to assure a forthright means of detaining a dangerous offender, and an offender who is likely to flee while pending trial and/or during appeal. Specifically, the new provisions: (1) allow judges and magistrates to consider danger to the community or individuals in setting pretrial release conditions other than financial conditions; (2) permit the imposition of additional types of release conditions, including probationary-type supervision, and permit the rejection of bail money if its source is illegal income; (3) allow pretrial detention of a defendant if no condition of release will assure his/her appearance or ensure the safety of specific individuals or the community in general; (4) provide procedures for revoking the release; (5) bar post-sentence release unless a defendant proves that such release would not pose flight or safety risks and that the case is likely to be reversed on appeal; and (6) raise penalties for bail jumping and provide mandatory penalties for crime committed while on pretrial release. (See 115-3, "Policy," and MIOG, Part II, Section 21-28, regarding the Attorney General guidelines for instructions on the FBI's conduct of these investigations.)|

EFFECTIVE: 01/22/90

115-2 PRINCIPAL STATUTES AND PENALTIES

|The following is a list of statutes pertaining to this section:

Section 3141. Release and detention authority generally
Section 3142. Release or detention of a defendant pending trial
Section 3143. Release or detention of a defendant pending sentence or appeal
Section 3144. Release or detention of a material witness
Section 3145. Review and appeal of a release or detention order
Section 3146. Penalty for failure to appear
Section 3147. Penalty for an offense committed while on release
Section 3148. Sanctions for violation of a release condition
Section 3149. Surrender of an offender by a surety
Section 3150. Applicability to a case removed from a state court
Section 3151. Refund of forfeited bail
Section 3152. Establishment of pretrial services
Section 3153. Organization and administration of pretrial services
Section 3154. Functions and powers relating to pretrial services
Section 3155. Annual reports
Section 3156. Definitions|

EFFECTIVE: 01/22/90

115-2.1 |Deleted|

EFFECTIVE: 01/22/90

115-2.2 |Deleted|

EFFECTIVE: 01/22/90

115-2.3 |Deleted|

EFFECTIVE: 01/22/90

115-3 POLICY

(1) By Department of Justice directive dated|8/11/88,|the FBI was relieved of the responsibility for handling bond default investigations, in favor of such cases being handled by the U.S. Marshals Service (USMS).

(2) In cases where the FBI is the originating agency and the defendant fails to appear while released on bond, the FBI shall retain jurisdictional responsibility.

(3) If and after the defendant is adjudicated guilty and he/she remains on bond and fails to appear for further court proceedings or fails to surrender to begin serving his/her sentence, the USMS shall assume investigative responsibility.

(4) If, after|8/11/88,|a new bond default subject within the primary jurisdiction of the USMS also becomes an FBI substantive fugitive, of course, we will seek his/her apprehension under the substantive case, but "OO" must advise the USM in the district holding the warrant of its fugitive involvement and notify USM's office promptly upon apprehension. This notification will, of course, not change the existing procedure of advising the USM in the district where the subject is located.

(5) Should, after|8/11/88,|a bond default violator within the responsibility of the USMS become a suspect in an FBI substantive case and "OO" desired to actively seek the subject's apprehension under the ongoing substantive matter, this may be done provided the USMS is notified and the fugitive aspects of the case are an FBI-USMS coordinated effort. Of course, when the fugitive is apprehended or eliminated as a suspect in the substantive case which no longer demands FBI fugitive involvement, the appropriate USM must be notified.

(6) If any subject of an existing USMS responsibility bond default matter is wanted as a fugitive in an FBI substantive case, the existing "115" case should be consolidated and handled as a dual character substantive case.

(7) If for some reason it should be imperative for an "OO" to initiate a new "115" fugitive investigation involving a non-FBI case, advise FBIHQ on a UACB basis of the facts demanding FBI involvement.

(8) When a bond default case has been referred to and accepted by an office for investigation, promptly ensure that the proper process has been issued and is currently outstanding.

(9) The process issued will be a bench warrant charging the subject with either bond default violation of Title 18, USC, Section 3146, or failure to appear. A failure to appear warrant does not have a USC citation and is not capable of Federal prosecution. It is merely a means by which the subject is ordered arrested and brought before the court to face the original underlying charge for which subject made bond.

(10) Even if the bench warrant issued charged the subject with failure to appear, the proper Bureau character is bond default and failure to appear should not be utilized.

(11) Since a failure to appear warrant is not capable of Federal prosecution, the USA should be promptly contacted for a prosecutive opinion while the subject is in fugitive status for the purpose of indictment for bond default, Title 18, USC, Section 3146, or to attempt to secure future prosecution for bond default upon subject's ultimate apprehension.

(12) In the above instance, the USA may decline prosecution of the subject for bond default while in fugitive status or indicate USA will not attempt to prosecute him/her for bond default when apprehended. As long as the failure to appear warrant remains outstanding, the Bureau's fugitive investigation must continue in order that the subject may be ultimately prosecuted on the underlying Federal charge.

(13) Although a bond default violation is primarily a fugitive-type investigation, it is also a Bureau substantive offense capable of Federal prosecution. During the fugitive investigation, evidence should be obtained to establish his/her willful failure to appear. In addition, upon the subject's apprehension he/she should be interviewed regarding the bond default offense to ensure successful prosecution.

EFFECTIVE: 01/22/90

115-4 OFFICE OF ORIGIN

(1) Deleted

(2) Where the subject, charged with a Bureau substantive violation, is arrested by the office of origin or an auxiliary office, and is released on bond and fails to appear within the office of origin's territory as required, that office will continue to act as the office of origin since the bond default violation occurred within their territory.

(3) Where the subject, charged with a Bureau substantive violation, is apprehended by an auxiliary office, and is released on bond and fails to appear within their territory as required, the following developments may occur which shall determine who shall act as the office of origin.

(a) Since the substantive warrant issued for the subject has been executed upon subject's apprehension by the auxiliary office, it is no longer outstanding. If the office of origin's USA causes the executed warrant to be reissued or a new warrant to be issued for the subject charging him/her with the original substantive offense, that office shall continue to act as the office of origin regardless if the auxiliary office's USA causes a bond default or failure to appear warrant to be issued for the subject.

(b) If the office of origin's USA does not cause the original executed warrant to be reissued or a new warrant to be issued for the subject charging subject with the original substantive offense, the apprehending auxiliary office will assume office of origin based on the bond default or failure to appear warrant issued in their territory.

(4) In those rare situations, where for whatever reasons the original warrant is not reissued or a new warrant issued within the office of origin's territory and a bond default or failure to appear warrant is not issued within the apprehending auxiliary office's territory, the full details should be promptly furnished FBIHQ via routine teletype by the office of origin for presentation to the Department of Justice for a final determination.

EFFECTIVE: 01/22/90

115-5 VENUE

Prosecution shall be in the district in which the bond default offense was committed.

EFFECTIVE: 09/10/79

115-6 CLASSIFICATION

(1) When the investigation of the underlying offense was not originally conducted by the Bureau the classification is 115. These should be very infrequent. Approval for same required from FBIHQ.

(2) If the bond default offense arose from a Bureau investigation, it should be handled under the substantive classification.

EFFECTIVE: 09/10/79

115-7 REPORTING PROCEDURES (See MIOG, Part I, 25-10, 76-1.8, 76-2.9, 76-3.13, 88-12, 115-7 & Part II, 21-2.9.)

(1) Upon the initiation of a bond default investigation and the placing of its subject in a fugitive status, two copies of an FD-65 should be promptly forwarded to FBIHQ, and one copy submitted directly to the Savannah Information Technology Center (SITC), by the office of origin. Upon the fugitive's apprehension or location, the locating office must promptly notify FBIHQ by teletype (at least ROUTINE in precedence), followed by Form FD-515 entry into the Integrated Statistical Reporting and Analysis Application (ISRAA). The office of origin must ensure that all auxiliary offices are notified by teletype to discontinue.

(2) One copy of a Prosecutive Report should be submitted to FBIHQ upon the authorization of prosecution by the USA, or when a specific request for such report is made by the USA or FBIHQ.

(3) In reporting the results of prosecutive action following the submission of a Prosecutive Report, while Form R-84 (if applicable) is to be forwarded to FBIHQ, a separate letter (airtel with LHM if dissemination desired) should also be submitted detailing the final disposition of each subject. The required letter should note that Form FD-515 has been entered into the ISRAA.

EFFECTIVE: 10/11/94

115-8 CHARACTER

(1) BOND DEFAULT, when the investigation of the original underlying offense was not conducted by the Bureau. |These should be very infrequent. Approval for same required from FBIHQ.|

(2) Substantive offense - BOND DEFAULT, if the bond default offense arose from a Bureau substantive investigation such as bank robbery, it is a dual character. BANK ROBBERY - BOND DEFAULT.

EFFECTIVE: 09/10/79

SECTION 116. SPECIAL INQUIRY - DEPARTMENT OF ENERGY;
SPECIAL INQUIRY - NUCLEAR REGULATORY COMMISSION

116-1 GENERAL INSTRUCTIONS

These instructions supplement those contained in Part II, Section 17 of this manual, and deal with cases other than those referred to FBIHQ by OPM.

EFFECTIVE: 03/23/89

116-1.1 Deleted

EFFECTIVE: 03/23/89

116-1.2 Deleted

EFFECTIVE: 03/23/89

116-2 AUTHORITY

See Part II, Section 17-1, of this manual for the authority to conduct these investigations.

EFFECTIVE: 03/23/89

116-3 PRIVACY ACT - REQUIREMENTS

(1) When interviewing individuals under this classification for information concerning themselves or their activities, the interviewing Agent must follow the procedures described in Part I, 190-5 (2) and (3) of this manual.

(2) When interviewing an individual to solicit information concerning someone other than the interviewee (thereby classifying that individual as a source of information), the interviewing Agent must follow the procedure relating to promises of confidentiality as described in Part I, 190-7 of this manual.

EFFECTIVE: 03/23/89

116-4 NATURE OF CASES

All Department of Energy (DOE) and Nuclear Regulatory Commission (NRC) cases are personnel background investigations conducted pursuant to specific written request of the DOE or NRC for persons who are being considered for employment with DOE or NRC or with a DOE or NRC contractor, or are being reinvestigated for their current position.

EFFECTIVE: 03/23/89

116-5 TYPE OF CASES

(1) Full Field Investigation (FFI) - Conducted when no previous background investigation (BI) has been done concerning the individual and covers the past fifteen years as set forth in Part II, Section 17 of this manual.

(2) Update Investigation (UI) - Conducted when there has been a previous BI concerning the individual completed by the FBI or another Government agency which uses the same investigative standards. FBIHQ will determine whether or not an update investigation is appropriate and will advise the field as to the period of time which the BI should cover. Any areas not covered during the previous BI will be set out by FBIHQ in the opening communication for investigation so as to render total coverage commensurate with present standards.

EFFECTIVE: 03/23/89

116-5.1 Sensitive Compartmented Information (SCI) Cases

Individuals that the DOE has designated as being considered for SCI access are subject to investigation similar in scope to an FFI. However, the scope of these background investigations covers only the last 15 years. SCI cases require that the following checks should also be conducted:

(1) Verify the applicant's date and place of birth at the Bureau of Vital Statistics. Verify naturalization (if applicable);

(2) Check the records of the Immigration and Naturalization Service on any immediate family members (described as spouse, parents, siblings, and children) or current cohabitant(s) (residents of same household, living in spousal-type, or roommate type, relationships, but not domestic/other employees) who are United States citizens other than by birth, or who are resident aliens. (In view of time constraints, naturalization verification through review of court records may prove to be more time efficient.)

(3) Review military records, regardless of military service falling within the 15-year scope.

EFFECTIVE: 07/23/90

116-6 DEADLINES

(1) Budeds in these cases generally will be set from the date of the opening communication as follows: Buded in FFIs will be 30 calendar days; Buded in UIs will be 60 calendar days. Occasionally, the client agency will request expedite cases in which the Buded will be 21 calendar days.

(2) Refer to Part II, 17-3.5 of this manual for specific instructions regarding those situations in which circumstances preclude reporting the complete investigation of a case on or before the deadline.

EFFECTIVE: 07/23/90

116-7 ORGANIZATION OF REPORT

Reports should be organized to follow the general sequence presented in Part II, Section 17-6, which outlines the scope of FFIs. Reports are directly disseminated to DOE and NRC and, therefore, should be free of typographical errors and administrative information.

EFFECTIVE: 07/23/90

116-7.1 Interviews

(1) While FBIHQ will not specifically state the number of interviews to be conducted, a sufficient number of interviews of persons knowledgeable about applicant/employee must be conducted to cover the individual's entire adult life in an FFI or during the period since the last investigation in UI cases.

(2) Field offices are also expected to conduct whatever number of interviews are required to thoroughly and completely address any unfavorable information or issues developed during an investigation.

EFFECTIVE: 07/23/90

SECTION 117. ATOMIC ENERGY ACT OF 1954
|(SEE MIOG, PART I, SECTION 279.)|

117-1 STATUTES

Title 42, USC, Sections 2011-2284|(AEA of 1954, as amended).

Title 18, USC, Section 831 (Prohibited Transactions Involving Nuclear Materials). (See MIOG, Part I, 46-1.11(2) and 249-1.)|

EFFECTIVE: 05/25/93

|117-2| JURISDICTION

|The|FBI|shall investigate|all alleged or suspected criminal violations|of the AEA of 1954, as amended (Section 2271), and of Title 18, USC, Section 831.|

EFFECTIVE: 05/25/93

117-3 |DEFINITIONS

(1) "Atomic Weapon" - any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for the use as, or for the development of, a weapon, a weapon prototype, or a weapon test device. (Section 2014(d))

(2) "By-product Material" - (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or

utilizing special nuclear material, and (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source. (Section 2014(e))

(3) "Production Facility" - any equipment or device determined by rule of the Department of Energy (DOE) or Nuclear Regulatory Commission (NRC) to be capable of the production of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public, or any important component part especially designed for such equipment or device as determined by the DOE or NRC. (Section 2014(v))

(4) "Restricted Data" - all data concerning the design, manufacture, or utilization of atomic weapons; the production of special nuclear material; or the use of special nuclear material in production of energy, but does not include data declassified or removed from the Restricted Data category pursuant to Section 2162 of the Act. (Section 2014(y))

(5) "Source Material" - uranium, thorium, or any other material which is determined by the DOE or NRC pursuant to the provisions of the Act to be source material; or ores containing one or more of the foregoing materials, in such concentration as the DOE or NRC may by regulation determine. (Section 2014(z))

(6) "Special Nuclear Material" - plutonium, uranium enriched in isotope 233 or in isotope 235, and any other material which the DOE or NRC, pursuant to the provisions of the Act, determines to be special nuclear material; or any material artificially enriched by any of the foregoing, but does not include source material. (Section 2014(aa))

(7) "Utilization Facility" - any equipment or device, except an atomic weapon, determined by rule of the DOE or NRC to be capable of making use of special nuclear material in such quantity as to be of significance to the common defense and security, or in such manner as to affect public health and safety, or peculiarly adapted for making use of atomic energy in such quantity as to be of significance to the common defense and security, or in such manner as to affect the health and safety of the public; or any important component part especially designed for such equipment or device as determined by the DOE or NRC. (Section 2014(cc))

EFFECTIVE: 05/25/93

117-4 VIOLATIONS - Title 42, USC, Sections 2011-2284 (Atomic Energy Act of 1954, As Amended)

(1) Section 2077 (Unauthorized Dealings in Special Nuclear Materials):

It shall be unlawful for any person to possess or transfer any special nuclear material; transfer or receive any special nuclear material in interstate commerce; export from or import into the United States any special nuclear material; or directly or indirectly engage in the production of any special nuclear material outside of the United States except as authorized by DOE or NRC. (See entire text for exceptions.)

(2) Section 2092 (Unauthorized Dealings in Source Material):

Unless authorized by a general or specific license issued by DOE or NRC, no persons may transfer or receive in interstate commerce, transfer, deliver, receive possession of or title to, or import into or export from the United States any source material, except that licenses shall not be required for quantities of source material which, in the opinion of DOE or NRC, are unimportant.

(3) Section 2111 (Unauthorized Dealings in By-Product Material):

No person may transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, own, possess, import, or export any by-product material, except to the extent authorized by specific or general licenses issued by DOE or NRC. (See entire text for exceptions.)

(4) Section 2098 (Public Lands - Conflict of Interest):

No individual, corporation, partnership, or association which had any part, directly or indirectly, in the development of the atomic energy program may benefit by any location, entry, or settlement upon the public domain made after such individual, corporation, partnership, or association took part in such project, if

such individual, corporation, partnership, or association, by reason of having had such part in the development of the atomic energy program, acquired confidential official information as to the existence of deposits of such uranium, thorium, or other materials in the specific lands upon which such location, entry, or settlement is made and subsequent to the date of the enactment of this act made such location, entry, or settlement or caused the same to be made for his, or its, or their benefit.

(5) Section 2122 (Prohibitions Governing Atomic Weapons):

It shall be unlawful for any person to transfer or receive in interstate or foreign commerce, manufacture, produce, transfer, acquire, possess, import, or export any atomic weapon, except as may be authorized by DOE or NRC pursuant to the provisions of the act.

(6) Section 2131 (Equipment Prohibitions):

It shall be unlawful for any person within the United States to transfer or receive in interstate commerce, manufacture, produce, transfer, acquire, possess, use, import, or export any utilization or production facility except under and in accordance with a license issued by the DOE or NRC.

(7) Section 2274 (Communication of Restricted Data):

Whoever, lawfully or unlawfully, having possession of, access to, control over, or being entrusted with any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating Restricted Data, communicates, transmits, or discloses the same to any individual or persons, or attempts or conspires to do any of the foregoing, with intent to injure the United States or with intent to secure an advantage to any foreign nation, upon conviction thereof, shall be punished (by imprisonment for life or by imprisonment for any term of years or a fine of not more than $20,000 or both); or communicates, transmits, or discloses the same to any individual or person, or attempts or conspires to do any of the foregoing, with reason to believe such data will be utilized to injure the United States or to secure an advantage to any foreign nation, shall, upon conviction, be punished by a fine of not more than $10,000 or imprisonment for not more than ten years, or both.

(8) Section 2275 (Receipt of Restricted Data):

Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, acquires or

attempts or conspires to acquire any document, writing, sketch, photograph, plan, model, instrument, appliance, note, or information involving or incorporating restricted data shall, upon conviction thereof, be punished by imprisonment for life or any term of years or a fine of not more than $20,000 or both.

(9) Section 2276 (Tampering With Restricted Data):

Whoever, with intent to injure the United States or with intent to secure an advantage to any foreign nation, removes, conceals, tampers with, alters, mutilates, or destroys any document, writing, sketch, photograph, plan, model, instrument, appliance, or note involving or incorporating restricted data and used by any individual or person in connection with the production of special nuclear material, or research or development relating to atomic energy, conducted by the United States, or financed in whole or in part by Federal funds, or conducted with the aid of special nuclear material, shall be punished by imprisonment for life, or by imprisonment for any terms of years or a fine of not more than $20,000 or both.

(10) Section 2277 (Disclosure of Restricted Data):

Whoever, being or having been an employee of the DOE, NRC, a member of the armed forces, an employee of any agency of the United States, or being or having been an employee of a contractor of DOE, NRC, or of an agency of the United States, or being or having been a licensee of DOE or NRC, knowingly communicates, or whoever conspires to communicate or to receive, any restricted data, knowing or having reason to believe that such data is restricted data pursuant to the provisions of the act or under rule or regulation of DOE or NRC issued pursuant thereto, knowing or having reason to believe such person is not so authorized to receive restricted data shall, upon conviction thereof, be punishable by a fine of not more than $2,500.

(11) Section 2278a (Trespass Upon DOE or NRC Installations):

Whoever willfully violates DOE or NRC regulations relating to the entry upon or carrying, transporting, or otherwise introducing or causing to be introduced any dangerous weapon, explosive, or other dangerous instrument or material likely to produce substantial injury or damage to persons or property, into or upon any facility, installation, or real property subject to the jurisdiction, administration or in the custody of DOE or NRC shall be punished by a fine of not more than $1,000.

Whoever willfully violates DOE or NRC regulations relating to the above subsection with respect to any installation or other property which is enclosed by fence, wall, floor, roof, or other structural barrier shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed $5,000 or to imprisonment for not more than one year, or both.

(12) Section 2278b (Photographing, etc., of DOE or NRC Installations):

Whoever shall:

(a) make any photograph, sketch, picture, drawing, map, or graphical representation, while present on property subject to the jurisdiction, administration, or in the custody of the DOE or NRC, of any installation or equipment designated by the President as requiring protection against the general dissemination of information relative thereto, in the interest of the common defense and security, without first obtaining the permission of the DOE or NRC, and promptly submitting the product obtained to the DOE or NRC for inspection or such other action as may be deemed necessary; or

(b) uses or permits the use of an aircraft or any contrivance used, or designed for navigation or flight in air, for the purpose of making a photograph, sketch, picture, drawing, map, or graphical representation of any installation or equipment designated by the President as provided in paragraph (1) above (not in this manual), unless authorized by the DOE or NRC, is punishable by a fine of not more than $1,000 or imprisonment for not more than one year, or both.

(13) Section 2283 (Protection of Nuclear Inspectors):

(a) Whoever kills any person who performs any inspections which:

1. are related to the activity or facility licensed by the DOE or NRC and

2. are carried out to satisfy requirements under this chapter or under any other Federal law governing the safety of utilization facilities required to be licensed under Section 2133 or 2134(b) of this title, or the safety of radioactive materials, shall be punished as provided under Sections 1111 and 1112 of Title 18. The preceding sentence shall be applicable only if such person is

killed while engaged in the performance of such inspection duties or on account of the performance of such duties.

(b) Whoever forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person who performs inspections as described under subsection (a) of this section, while such person is engaged in such inspection duties, or on account of the performance of such duties, shall be punished as provided under Section 111 of Title 18. (See MIOG, Part I, 89-2.18.)

(14) Section 2284 (Sabotage or Interruption of Nuclear Facilities or Fuel):

(a) Any person who intentionally and willfully destroys or causes physical damage to, or who intentionally and willfully attempts to destroy or cause physical damage to:

1. any production facility or utilization facility licensed under this chapter,

2. any nuclear waste storage facility licensed under this chapter,

3. any nuclear fuel for such a utilization facility, or any spent nuclear fuel from such a facility, shall be fined not more than $10,000 or imprisoned for not more than ten years, or both.

4. any uranium enrichment facility licensed by the NRC.

(b) Any person who intentionally and willfully causes or attempts to cause an interruption of normal operation of any such facility through the unauthorized use of or tampering with the machinery, components, or controls of any such facility, shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

EFFECTIVE: 05/25/93

117-4.1 Additional AEA Penalties

(1) Section 2272 (Violation of Specific Sections):

Whoever willfully violates, attempts to violate, or conspires to violate, any provision of Sections 2077, 2122, or 2131 of this Title, or whoever unlawfully interferes, attempts to interfere, or conspires to interfere with any recapture or entry under Section 2138 of this Title shall upon conviction thereof, be punished by a fine of not more than $10,000 or by imprisonment for not more than ten years, or both, except that whoever commits such an offense with the intent to injure the United States or with intent to secure an advantage to any foreign nation shall, upon conviction thereof, be punished by imprisonment for life, or by imprisonment for any term of years or a fine of not more than $20,000, or both.

(2) Section 2273 (Conspiracy):

Whoever willfully violates, attempts to violate, or conspires to violate, any provision of this chapter for which no criminal penalty is specifically provided or of any regulation or order prescribed or issued under Section 2095 or 2201 (b), (i), or (o) of this Title shall, upon conviction thereof, be punished by a fine of not more than $5,000 or by imprisonment for not more than two years, or both, except that whoever commits such an offense with intent to injure the United States or with intent to secure an advantage to any foreign nation, shall upon conviction thereof, be punished by a fine of not more than $20,000 or by imprisonment for not more than 20 years, or both.

(3) Section 2278 (Statute of Limitations):

Except for a capital offense, no individual or person shall be prosecuted, tried, or punished for any offense prescribed or defined in Section 2274 to 2276 of this Title unless the indictment is found or the information is instituted within ten years next after such offense shall have been committed.

EFFECTIVE: 05/25/93

117-4.2 Violations - Title 18, USC, Section 831 (Prohibited Transactions Involving Nuclear Materials)

(1) Whoever, if one of the circumstances described in paragraph (3) of this section occurs -

(a) without lawful authority, intentionally receives, possesses, uses, transfers, alters, disposes of, or disperses any nuclear material and

1. thereby knowingly causes the death of or serious bodily injury to any person or substantial damage to property; or

2. knows that circumstances exist which are likely to cause the death of or serious bodily injury to any person or substantial damage to property;

(b) with intent to deprive another of nuclear material, knowingly,

1. takes and carries away nuclear material of another without authority;

2. makes an unauthorized use, disposition, or transfer of nuclear material belonging to another;

3. uses fraud and thereby obtains nuclear material belonging to another;

(c) knowingly -

1. uses force; or

2. threatens or places another in fear that any person other than the actor will imminently be subject to bodily injury; and thereby takes nuclear material belonging to another from the person or presence of any other;

(d) intentionally intimidates any person and thereby obtains nuclear material belonging to another;

(e) with intent to compel any person, international organization, or governmental entity to do or refrain from doing any act, knowingly threatens to engage in conduct described in paragraph (b)1. or (c) of this section;

(f) knowingly threatens to use nuclear material to cause death or serious bodily injury to any person or substantial damage to property under circumstances in which the threat may reasonably be understood as an expression of serious purposes;

(g) attempts to commit an offense under paragraph (a), (b), (c), or (d) of this section; or

(h) is a party to a conspiracy of two or more persons to commit an offense under paragraph (a), (b), (c), or (d) of this section, if any of the parties intentionally engages in any conduct in furtherance of such offense; shall be punished as provided in paragraph (2) of this section.

(2) The punishment for offense under -

(a) paragraphs (a) through (g) of paragraph (1) of this section is -

1. a fine of not more than $250,000; and,

2. imprisonment -

a. for any term of years or for life; (I) if, while committing the offense, the offender knowingly causes the death of any person; or (II) if, while committing the offense under paragraph (a) or (c) of paragraph (1) of this section, the offender, under circumstances manifesting extreme indifference to the life of an individual, knowingly engages in any conduct and thereby recklessly causes the death of or serious bodily injury to any person; and

b. for not more than 20 years in any other case; and

(b) paragraph (h) of paragraph (1) of this section is -

1. a fine of not more than $250,000; and

2. imprisonment -

a. for not more than 20 years if the offense which is the object of the conspiracy is punishable under paragraph (a)2.a. of this section; and

b. for not more than 10 years in any other case.

(3) The circumstances referred to in paragraph (1) of this section are that -

(a) the offense is committed in the United States or the special maritime and territorial jurisdiction of the United States, or the special aircraft jurisdiction of the United States, as defined in section 46501 of title 49;

(b) the defendant is a national of the United States, as defined in Section 101 of the Immigration and Nationality Act (Title 8, USC, Section 1101);

(c) at the time of the offense the nuclear material is in use, storage, or transport, for peaceful purposes, and after the conduct required for the offense occurs, the defendant is found in the United States, even if the conduct required for the offense occurs outside the United States; or

(d) the conduct required for the offense occurs with respect to the carriage of a consignment of nuclear material for peaceful purposes by any means of transportation intended to go beyond the territory of the state where the shipment originates beginning with the departure from a facility of the shipper in that state and ending with the arrival at a facility of the receiver within the state of ultimate destination and either of such states is in the United States.

(4) The Attorney General may request assistance from the Secretary of Defense under Chapter 18 of Title 10 in the enforcement of this section and the Secretary of Defense may provide such assistance in accordance with Chapter 18 of Title 10, except that the Secretary of Defense may provide such assistance through any Department of Defense (DOD) personnel.

(5) The Attorney General may also request assistance from the Secretary of Defense under this subsection in the enforcement of this section. Notwithstanding Section 1385 of this Title, the Secretary of Defense may, in accordance with other applicable law, provide such assistance to the Attorney General if -

(a) an emergency situation exists (as jointly determined by the Attorney General and the Secretary of Defense in their discretion) and

(b) the provisions of such assistance will not adversely affect the military preparedness of the United States (as determined by the Secretary of Defense in such Secretary's discretion).

(6) As used in this section, the term "emergency situation" means a circumstance -

(a) that poses a serious threat to the interests of the United States; and in which -

1. enforcement of the law would be seriously impaired if the assistance were not provided and

2. civilian law enforcement personnel are not capable of enforcing the law.

(7) Assistance under this section may include -

(a) use of personnel of the DOD to arrest persons and conduct searches and seizures with respect to violations of this section and

(b) such other activity as is incidental to the enforcement of this section or to the protection of persons or property from conduct that violates this section.

(8) The Secretary of Defense may require reimbursement as a condition of assistance under this section.

(9) The Attorney General may delegate the Attorney General's function under this subsection only to a Deputy, Associate, or Assistant Attorney General.

(10) As used in this section -

(a) the term "nuclear material" means material containing any -

1. plutonium with an isotopic concentration not in excess of 80-percent plutonium 238;

2. uranium not in the form of ore or ore residue that contains the mixture of isotopes as occurring in nature;

3. uranium that contains the isotope 233 or 235 or both in such amount that the abundance ratio of the sum of those isotopes to the isotope 238 is greater than the ratio of the isotope 235 to the isotope 238 occurring in nature; or

4. uranium 233;

(b) the term "international organization" means a public international organization designated as such pursuant to Section 1 of the International Organizations Immunities Act (Title 22, USC, Section 288) or a public organization created pursuant to treaty or other agreement under international law as an instrument through or by which two or more foreign governments engage in some aspect of their conduct of international affairs;

(c) the term "serious bodily injury" means bodily injury which involves -

1. a substantial risk of death;

2. extreme physical pain;

3. protracted and obvious disfigurement; or

4. protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

(d) the term "bodily injury" means -

1. a cut, abrasion, bruise, burn, or disfigurement;

2. physical pain;

3. illness;

4. impairment of a function of a bodily member, organ, or mental faculty; or

5. any other injury to the body, no matter how temporary.

EFFECTIVE: 12/23/96

117-5 |PROSECUTIVE POLICY

(1) No action shall be brought against any individual or person for any violation under the AEA unless and until the Attorney General of the United States has advised the DOE or the NRC with respect to such action and no such action shall be commenced except by the Attorney General of the United States: Provided, however, that no action shall be brought under Section 2272, 2273, 2274, 2275, or 2276 of this Title except by the express direction of the Attorney General: and provided further, that nothing in this section shall be construed as applying to administrative action taken by the DOE or NRC. (Section 2271c)

(2) Do not discuss AEA cases with the United States Attorney (USA) until advised to so by FBIHQ. When investigation reaches a point where prosecutive opinion is desirable, FBIHQ will present the case directly to the DOJ. When a case arises in which facts indicate possible violation of the AEA, as well as violations of other criminal statutes (e.g., Fraud Against the Government or Theft of Government Property), refer case to FBIHQ indicating you wish to present facts to the USA. The Department has no objection to a field division working an investigative matter which also involves other Federal violations in conjunction with the AEA allegations as long as the case is coordinated with FBIHQ and DOJ as required by the AEA of 1954.|

EFFECTIVE: 05/25/93

117-6 |INVESTIGATIVE PROCEDURES

(1) General Procedures

(a) Conduct preliminary investigation to determine what, if any, violation of the AEA of 1954, or Title 18, Section 831, has occurred. This includes conducting appropriate interviews, as necessary.

(b) Telephonically contact the Domestic Terrorism Unit (DTU), Violent Crime and Major Offenders Section (VCMOS), Criminal Investigative Division (CID), FBIHQ, to resolve any investigative, legal, or operational questions pertaining to this section.

(c) All requests for technical assistance, either from the DOE, NRC, or internal FBI components, should be coordinated directly with the DTU, VCMOS, CID.

(d) Do not contact DOE or NRC Headquarters components directly without the express authorization of FBIHQ. The VCMOS has established effective procedures to facilitate all requests for such assistance.

(e) The requisite intent necessary to prove violations for sections other than Section 2277 (Disclosure of Restricted Data) is a matter to be evaluated by the jury, but evidence of subject's affiliation with subversive groups, association with officials of foreign nations, or evidence of clandestine conspiratorial incidents should be fully developed as indicative of such intent.

EFFECTIVE: 05/25/93

117-6.1 Violation of Section 2077 (Unauthorized Dealings in Special Nuclear Material) (See 117-6.2(4).)

(1) Initiate preliminary investigation to determine if material in question is special nuclear material, or some other type of controlled nuclear material;

[redacted]

b2
b7E

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[redacted]

(2) Provide the above information by teletype, or in an emergency, by telephone, to the DTU, VCMOS, CID, FBIHQ for an assessment of the credibility of the case.

(3) Should the subject(s) offer to provide a sample of the material for testing or if material is recovered as evidence, immediately notify FBIHQ. The DTU, VCMOS, CID, will contact the appropriate agency and arrange for experienced and qualified individuals to take custody of the material.

(4) FBIHQ will disseminate information regarding foreign transactions to the appropriate agencies.

EFFECTIVE: 05/25/93

117-6.2 Violations of Section 2092 (License Requirements for Transfers), Section 2111 (Domestic Distribution, License), and Section 2131 (License Required)

(1) Ascertain whether a license is required and, if so, determine if subject has been issued such. If information is not available locally, request assistance from FBIHQ to obtain license information.

(2) Initiate appropriate interview(s) to determine if amount of source, by-product, or Special Nuclear Material in possession of subject(s) is within the quantitative or qualitative limits requiring a license.

(3) Obtain cooperation of local DOE or NRC office to obtain analysis of uranium, thorium, plutonium, or other material, as required.

(4) Consider use of investigative questions outlined in Section 117-6.1(1)(a), to assist DOE in assessing the credibility of the case.

EFFECTIVE: 05/25/93

117-6.3 |Violation of Section 2098 (Public Land - Conflict of Interest)

(1) Determine if individual, corporation, partnership, or association is involved directly or indirectly, in the atomic energy program. If so, ascertain nature and scope of involvement.

(2) Ascertain if confidential official information was acquired as to the existence of deposits of uranium, thorium, or other materials on public domain, pursuant to involvement in the atomic energy program.

(3) Determine if the deposits were located for the benefit of the individual, corporation, partnership, or association, and the extent of benefit.

(4) Signed statements should be obtained from all subjects and potential witnesses. If subject is an employee or agent of the United States, signed statements under oath should be obtained from the subject and potential witnesses, as provided in Title 5, USC, Section 303. If subject declines to furnish a signed statement or refuses to be placed under oath, an unsigned statement should be taken in accordance with existing instructions and such facts should be recorded in your report.|

EFFECTIVE: 05/25/93

117-6.4 |Violation of Section 2122 (Prohibitions Governing Atomic Weapons)

(1) Initiate preliminary investigation to determine if the principal purpose of the device is for the use as, or for the development of, a weapon, a weapon prototype, or a weapon test device.

(2) Determine if the device or any part of the device is classified as restricted data.

(3) Immediately provide the results of the preliminary investigation to the DTU, VCMOS, CID, for coordination with the DOE, DOJ, and other appropriate agencies.|

EFFECTIVE: 05/25/93

117-6.5 |Violations of Section 2274 (Communication of Restricted Data), Section 2275 (Receipt of Restricted Data), and Section 2276 (Tampering with Restricted Data)

(1) Initiate preliminary investigation to determine what type of information (document, writing, sketch, photograph, model, instrument, etc.) was allegedly communicated, transferred, acquired or tampered with; the classification of the information; and, whether it may be declassified for prosecutive purposes. If necessary, contact the DTU, VCMOS, CID, for assistance in determining the classification of the information.

(2) Initiate investigation immediately where there is an allegation that documents were stolen, concealed, or misappropriated under circumstances indicating a violation of the Atomic Energy Act of 1954, or other statutes within FBI jurisdiction. Where there is an indication of loss through gross negligence, consideration should be given to investigation under provisions of the espionage statutes.

(3) Promptly notify FBIHQ of any investigations involving employees of the DOE or NRC. FBIHQ will coordinate investigative results with the DOJ.

(4) Where classified documents are reported missing, a statement should be obtained from the referring agency as to why the matter is being referred for investigation. Confirm in writing to the referring agency the receipt of the complaint, include a statement as to whether or not an investigation is being conducted and, if not, under what conditions an investigation will be conducted. Advise FBIHQ promptly of facts and action being taken.|

EFFECTIVE: 05/25/93

||117-6.5.1| Administrative Misfiling |(See FCI Manual, Part I, 65-8 through 65-8.3.)|

|The DOE and the NRC have the primary responsibility for the security of their documents.| Administrative misplacement or misfiling of documents, or compromise of documents in transmission, are matters to be handled by DOE, NRC, or other Government agency involved, and no|investigations|should be conducted. If missing documents are of significant importance, maintain close liaison with the interested agency.

EFFECTIVE: 05/25/93

||117-6.5.2| Lax Security |(See MAOP, Part II, Section 9-3.3.3.)|

All facts regarding lax security and negligence should be referred to FBIHQ in letterhead memorandum form suitable for dissemination to the interested agency.

EFFECTIVE: 05/25/93

117-6.6 |Violation of Section 2277 (Disclosure of Restricted Data)

(1) Obtain a signed statement regarding the exact disclosures made, if possible.

(2) Obtain the classification and security significance of the information disclosed, whether the data may be declassified for prosecution, and determine the circumstances surrounding the disclosure.

(3) Obtain background data concerning persons involved, including evidence that individuals making disclosures were aware of security regulations concerning the information disclosed.

(4) An early interview of the subject is generally advisable. If admissions are obtained, corroborate through investigation.

(5) Proof of intent is not necessary under this section, provided it can be shown the person has knowledge restricted data has been disclosed to a person not authorized to receive it, and the person disclosing same meets the requisites of the statute.

EFFECTIVE: 05/25/93

117-6.6.1 Information Required In Communications

Include in final communication a statement regarding administrative action taken by DOE or NRC or, if military personnel are involved, action to be taken by armed forces.

EFFECTIVE: 05/25/93

117-6.6.2 Leaks of Classified Data to the Press

(1) If requests for investigations of cases of this type are received locally, advise the referring agency in writing that the decision as to investigation will be made at FBIHQ. Furnish details to FBIHQ promptly and take no further action pending FBIHQ authority.

(2) If investigation is authorized, the following information must be obtained:

(a) Date and identity of the article; exact statements alleged to be classified; whether data published is accurate; was data classified properly; can data be declassified for purposes of prosecution, and, if so, name of the person competent to testify concerning classification.

(b) Extent of official dissemination of classified data; whether data had been subject to prior official releases; or if

declassification had been decided upon prior to publication.

(c) Whether the classified information came from a specific document; if so, origin of the document,

(d) Name of the individual in DOE, NRC, DOD, or other Government agency responsible for security of the classified information published,

(e) Whether the material, background data, or portions thereof, have been previously officially released or published in the press, to make educated speculation on the matter possible.

(f) Whether clearance for publication was sought from proper authorities prior to publication.

EFFECTIVE: 05/25/93

117-6.7 Violations of Section 2284 (Sabotage of Nuclear Facilities or Fuel)

(1) Allegations indicating possible sabotage directed at the atomic energy program must be thoroughly investigated and resolved. Communications carry dual character, "Atomic Energy Act; Sabotage."

(2) In the case of a possible violation of Section 2284, the field division must immediately notify FBIHQ by telephone.

(3) Prosecution must be authorized by DOJ.

(4) Investigations of sabotage at atomic energy facilities must conform to investigative procedures of Part I, Section 98, of this manual and satisfy the elements of Title 42, USC, Section 2284.

(5) Other possible violations of Federal law may also be applicable during investigation of a sabotage incident at a nuclear facility, such as foreign-inspired strikes, slowdowns, and destruction of Government property. Although the FBI is not interested in legitimate labor-management disputes, it must be alert, through

adequate informant coverage, for the possibility of planned incidents affecting national security.

(6) In the case of a labor dispute, include full name of international or local union involved; summary of the incident; effect on security of the facility; facts indicating violation within the Bureau's jurisdiction; and other information of value.

(7) The legislative history states that this section is intended to cover a situation when a person willfully and intentionally interrupts, or attempts to interrupt, a power plant's operation by tampering or improperly using the machinery, components, or controls of any nuclear facility.

(8) The phrase "unauthorized use" is described as use without the permission of the licensee. The word "tampering" is described as altering for improper purposes or in an improper manner. The phrase "interruption of normal operation" is described as a cessation of actual production, utilization, or storage operations which, if accomplished, would result in substantial economic harm or cost to the licensee.

(9) This section applies only to specified actions which could cause substantial damage, economic harm, or costs to the licensee, and to willful acts performed with a criminal intent.

(10) This section applies to nuclear power facilities, and nuclear waste storage facilities, licensed under the AEA of 1954, as amended, and any nuclear fuel for a utilization facility or spent nuclear fuel from a utilization facility. It is the policy of the Federal government to include Federal buildings, not licensed under the AEA, that contain Special Nuclear Material, in that damage to Federal buildings, and/or theft of special nuclear materials still fall within the provisions of the U.S. criminal code.

EFFECTIVE: 05/25/93

117-7 INVESTIGATIVE PROCEDURES FOR OTHER RELATED VIOLATIONS

(1) Threat/Extortion under the AEA: (See MIOG, Part I, 9-9(1).)

(a) All threats and extortions which are investigated as a result of a possible violation of the AEA, or Title 18, USC, Section 831, should be handled in the same manner as prescribed under Part I, Section 9, of this manual. However, DOJ prosecutive opinions will still be necessary, prior to discussion with the USA.

(b) Immediately contact the DTU, VCMOS, CID, as soon as possible and provide an exact copy of the wording of the threat for dissemination to the DOE for a threat assessment.

(c) Upon receipt of the results of the assessment, FBIHQ will notify the appropriate field divisions as to the credibility of the threat.

(d) In the event the extortion or threat is determined to be a hoax, or is not a violation under the AEA of 1954, the field divisions may proceed to investigate this matter as a conventional extortion or threat utilizing guidelines under Part I, Section 9, of this manual, without the requirement of obtaining DOJ opinions.

(e) After coordinating with FBIHQ, the appropriate United States Attorney (USA) may be contacted to proceed with the conventional threat or extortion investigation which is not a violation of the AEA.

(2) Missing Source Material, Special Nuclear Material, or By-Product Material:

(a) Notify FBIHQ and initiate preliminary investigation to determine if materials have been stolen, misappropriated, or diverted. If so, conduct investigation promptly. In cases of uncertainty, submit facts to FBIHQ for evaluation.

(b) Where preliminary investigation indicates loss involving items of little security significance; is the result of inadequate accountability records; or is process loss, submit closing communication.

(c) Where complicated accountability records are involved, Special Agents with specific training in the accountability of radioactive materials should be utilized wherever possible. If warranted, a request should be made of FBIHQ for a laboratory technician familiar with this type of investigation.

EFFECTIVE: 05/25/93

117-8 REPORTING PROCEDURES

(1) Immediately advise the DTU, VCMOS, CID, in the following instances of major violations by teletype, or telephone, as facts warrant:

(a) Violations involving foreign-directed espionage or sabotage.

(b) Serious damage to plants or facilities.

(c) Loss of critical Restricted Data or Special Nuclear Material under circumstances indicating a violation of the AEA.

(d) Cases which may receive wide publicity.

(e) Other major and important violations.

(2) Submit a summary communication within two weeks of initiating a preliminary investigation under the AEA, or Title 18, USC, Section 831, to FBIHQ, Attention: DTU, VCMOS, CID.

(3) Submit a Letterhead Memorandum (LHM) (original and four copies) to the DTU, VCMOS, CID, within 30 days of the initiation of an Atomic Energy Act, or Title 18, USC, Section 831 investigation. The LHM should be suitable for dissemination to the DOJ, DOE, and the NRC. The LHM should, at a minimum, detail the predication for initiating the investigation, the names of the other agencies notified, a summary of the investigation, and, if possible, a prosecutive opinion.

(4) A closing LHM (original and four copies) must be

prepared at the conclusion of each investigation, and submitted to FBIHQ, Attention: DTU, VCMOS, CID. The closing LHM must restate the predication for initiating the investigation, summarize investigation findings, and detail the disposition of the investigation, including prosecutive opinions or administrative action initiated by the DOE or NRC. Ensure that a complete description of all significant events are dated in the closing LHM.

(5) Prosecutive reports should be submitted to FBIHQ, when applicable.

EFFECTIVE: 05/25/93

117-8.1 Dissemination of Reports

(1) Do not disseminate FBI communications to the USA, DOE, or NRC locally without FBIHQ approval. Bureau communications will be disseminated by FBIHQ, through DOE and NRC Headquarters when possible. In the event of an emergency situation necessitating immediate local dissemination, FBIHQ should be advised.

(2) Close liaison should be maintained regarding investigations of individuals of interest to the local DOE and NRC offices.

EFFECTIVE: 05/25/93

117-9 CONTINGENCY PLANS

(1) Every field office shall develop and maintain a contingency plan for responding to potential nuclear terrorism incidents that may occur within their division. The plan should include a complete security survey of every major DOE and NRC nuclear facility located within their territory. The plans must be updated on an annual basis and changes submitted to the Counterterrorism Planning Unit (CPU), Counterterrorism Section (CTS), Intelligence Division (INTD), by June 1st of each year.

(2) For the purpose of this section, a major nuclear facility is any NRC-licensed nuclear power plant, or nuclear fuel facility, or a DOE research and weapons laboratory or production facility.

(3) Each field office with one or more major nuclear facilities within its territory shall maintain a list of selected Special Agents for use on investigations requiring immediate access to highly classified information, material, or exclusion areas. The names of these Special Agents must be furnished by each field office to the security officer of the atomic energy installation in order that he/she may effect arrangements for those Agents to be granted immediate appropriate access in connection with official investigations. Each SAC shall select and designate Special Agents for such squads and promptly notify the atomic energy installation security officer of any changes made to the squad.

EFFECTIVE: 05/25/93

117-10 COORDINATION OF FBI TRAINING EXERCISES CONDUCTED AT NRC-LICENSED NUCLEAR POWER PLANTS

(1) FBI participation in all field training exercises conducted at NRC-licensed nuclear power plants must be coordinated directly with FBIHQ in advance of the exercise so that the necessary coordination between FBIHQ and NRC Headquarters may be accomplished.

(a) Prior notification must be made to the CPU, CTS, INTD by appropriate communication, providing the following essential information:

1. The name of the NRC-licensed nuclear power plant.

2. The dates of the planned exercise.

3. The nature of the training.

4. The projected number of FBI personnel involved.

5. A notation of special assets, such as

helicopters and technical equipment, which will be used in the exercise.

6. The names of other agencies involved in the exercise.

7. The projected number of other agency personnel involved.

8. The name of the FBI point of contact on scene.

9. The name of the local utility point of contact.

10. Whether or not regional NRC officials have been advised of the planned exercise, and, if so, the names of those officials.

(2) Upon receipt of the information, the CPU, CTS, INTD will coordinate directly with NRC Headquarters and will obtain the necessary authorization for the exercise from the NRC.

EFFECTIVE: 05/25/93

117-11 REWARDS FOR INFORMATION RECEIVED REGARDING ATOMIC WEAPONS

Title 50, USC, Section 47a-f, provides:

(1) Any person who furnishes original information to the United States-

(a) leading to the finding or other acquisition by the United States of special nuclear material or an atomic weapon which has been introduced into the United States or manufactured or acquired therein contrary to the laws of the United States, or

(b) with respect to the introduction or attempted introduction into the United States or the manufacture or acquisition or attempted manufacture or acquisition of, or a conspiracy to introduce into the United States or to manufacture or acquire, special

nuclear material or an atomic weapon contrary to the laws of the United States, or

(c) with respect to the export or attempted export, or a conspiracy to export, special nuclear material or an atomic weapon from the United States contrary to the laws of the United States, shall be rewarded by the payment of an amount not to exceed $500,000.

(2) The Attorney General shall determine whether a person furnishing information to the United States is entitled to a reward and the amount to be paid. Rewards will be authorized by the Awards Board, consisting of the Secretary of the Treasury (Chairman), Secretary of Defense, Attorney General, Director of Central Intelligence, and the Administrator of DOE or one NRC Commissioner. A reward of $50,000 or more may not be made without the approval of the President.

(3) If the information leading to an award under Section 47b of this Title is furnished by an alien, the Secretary of State, the Attorney General, and the Director of Central Intelligence, acting jointly, may determine that the entry of such alien into the United States is in the public interest and, in that event, such alien and the members of his/her immediate family may receive immigrant visas and may be admitted to the United States for permanent residence.

(4) Any awards granted under Section 47b of this Title shall be certified by the Attorney General and, together with approval of the President in those cases where such approval is required, transmitted to the Director of Central Intelligence for payment out of funds appropriated under National Security Act of 1947, as amended.

(5) Information regarding smuggling of atomic weapons or their components or the illegal manufacture or acquisition of same should be reported promptly and in detail to FBIHQ.

EFFECTIVE: 05/25/93

117-12 HANDLING OF RADIOACTIVE MATERIALS (See MIOG, Part I, 249-1.)

(1) Millions of packages of radioactive materials are transported in the United States annually. Most shipments consist of medical and industrial products. Other shipments include nuclear power plant fuel, nuclear weapons and weapons material, and radioactive waste generated by hospitals, laboratories, nuclear reactors, and military facilities.

(2) Radioactive materials are packaged, marked, labeled, and placarded with public safety as the foremost goal. The degree of packaging used is commensurate with the hazardousness of the contents. Extremely hazardous radioactive materials are shipped in packaging which does not break under accident conditions. Low-level radioactive materials are shipped in less resistant packages which may break, and the radioactive material could be dispersed. However, if dispersed, these materials would present only a minimal health risk.

EFFECTIVE: 05/25/93

117-12.1 Radiation Protection

The following factors should be considered when evaluating available protection:

(1) If all containers of radioactive material are sealed or closed and are intact, it is unlikely that radioactive hazards are associated with the incident. Efforts should be made to protect the integrity of the containers during handling or transportation.

(2) There are three important factors in protecting individuals from radiation: Time, Distance, and Shielding.

(a) Time. The less time an individual remains in a radiation field, the less exposure that individual will receive.

(b) Distance. The further an individual remains from a radiation source, the less exposure that individual will receive. The intensity of a radiation field decreases as the distance from the source increases.

(c) Shielding. The more material placed between an individual and a radiation source, the less exposure that individual will receive. The intensity of radiation is reduced by the absorption and scattering processes associated with such material. For gamma radiation, dense material such as lead is most effective as a shield. Beta radiation can be shielded by relatively thin amounts of wood or plastic. Alpha is shielded by virtually any material.

EFFECTIVE: 05/25/93

117-12.2 Emergency Procedures

(1) Radioactive materials released at the scene of an incident, even at levels of little consequence, can result in very small levels of contamination being spread a great distance. The spread of contamination can be controlled by limiting access to and egress from the incident scene. Although, in some cases, the contamination spread would be of insignificant radiological consequence, any detectable amount can prove to be of great concern to the public and news media. RADIOACTIVE MATERIAL SHOULD BE HANDLED BY QUALIFIED PERSONS FROM THE DOE, NRC OR COMPARABLE STATE AGENCY. DO NOT HANDLE ANY MATERIAL SUSPECTED OF BEING RADIOACTIVE UNTIL IT HAS BEEN EXAMINED BY QUALIFIED PERSONNEL.

(2) It is important to treat everything that has been near the incident as potentially radioactive and contaminated until it has been verified by qualified radiation protection personnel to be free of radioactive contamination. Individuals who have contacted potentially contaminated materials should remain on hand until they have been checked by qualified personnel. Only qualified personnel should attempt to clean up a spill of any hazardous materials--radioactive or not.

(3) Emergency advisory support, or other assistance, may be obtained from the DOE or NRC via FBIHQ.

EFFECTIVE: 05/25/93

||117-13| CHARACTER - ATOMIC ENERGY ACT

EFFECTIVE: 05/25/93

SECTION 119. FEDERAL REGULATION OF LOBBYING ACT

119-1 STATUTES

EFFECTIVE: 01/31/78

119-1.1 Title 2, USC, Section 261-270

(1) The Act provides for the registration of lobbyists active in matters pending before Congress and the filing by them of quarterly reports of receipts and expenditures.

(2) Elements

That the accused:

(a) Prior to registering with the Secretary of the Senate and the Clerk of the House of Representatives for pay or for other consideration attempted to influence passage or defeat of any legislation pending before the Congress of the U. S.; or

(b) After registration failed to file under oath between the first and tenth of each calendar quarter a detailed report of all receipts and expenditures during the preceding calendar quarter in carrying on his work; or

(c) After having been convicted on the above violations, shall within a period of three years from the date of such conviction attempt to influence directly or indirectly legislation before the Congress of the U.S.

EFFECTIVE: 01/31/78

119-1.2 Section 261 (Definitions)

(1) The term "contribution" includes a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution.

(2) The term "expenditure" includes a payment, distribution, loan, advance, deposit, or gift money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure.

(3) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons.

(4) The term "Clerk" means the Clerk of the House of Representatives of the United States.

(5) The term "legislation" means bills, resolutions, amendments, nominations, and other matters pending or proposed in either House of Congress, and includes any other matter which may be the subject of action by either House.

EFFECTIVE: 01/31/78

119-1.3 Section 262 (Detailed Accounts of Contributions; Retention of Receipted Bills of Expenditures)

(1) It shall be the duty of every person who shall in any manner solicit or receive a contribution to any organization or fund for the purposes hereinafter designated to keep a detailed and exact account of --

(a) All contributions of any amount or of any value whatsoever:

(b) The name and address of every person making any such contribution of $500 or more and the date thereof;

(c) All expenditures made by or on behalf of such organization or fund; and

(d) The name and address of every person to whom any

such expenditure is made and the date thereof.

(2) It shall be the duty of such person to obtain and keep a receipted bill, stating the particulars, for every expenditure of such funds exceeding $10 in amount, and to preserve all receipted bills and accounts required to be kept by this section for a period of at least two years from the date of the filing of the statement containing such items.

EFFECTIVE: 01/31/78

119-1.4 Section 263 (Receipts for Contributions)

Every individual who receives a contribution of $500 or more for any of the purposes hereinafter designated shall within five days after receipt thereof render to the person or organization for which such contribution was received a detailed account thereof, including the name and address of the person making such contribution and the date on which received.

EFFECTIVE: 01/31/78

119-1.5 Section 264 (Statements of Accounts Filed with Clerk of House)

(1) Every person receiving any contributions or expending any money for the purposes designated in subparagraph (1) or (2) of Section 266 of this title shall file with the Clerk between the first and tenth day of each calendar quarter, a statement containing complete as of the date next preceding the date of filing--

(a) The name and address of each person who has made a contribution of $500 or more not mentioned in the preceding report; except that the first report filed pursuant to this title shall contain the name and address of each person who has made any contribution of $500 or more to such person since August 2, 1946;

(b) The total sum of the contributions made to or for such person during the calendar year and not stated under paragraph (a) of this subsection;

(c) The total sum of all contributions made to or

for such person during the calendar year;

(d) The name and address of each person to whom an expenditure in one or more items of the aggregate amount of value, within the calendar year, of $10 or more has been made by or on behalf of such person, and the amount, date, and purpose of such expenditure;

(e) The total sum of all expenditures made by or on behalf of such person during the calendar year and not stated under paragraph (d) of this subsection;

(f) The total sum of expenditures made by or on behalf of such person during the calendar year.

(2) The statements required to be filed by subsection (1) of this section shall be cumulative during the calendar year to which they relate, but where there has been no change in an item reported in a previous statement only the amount need be carried forward.

EFFECTIVE: 01/31/78

119-1.6 Section 265 (Preservation of Statements)

A statement required by this chapter to be filed with the Clerk--

(1) Shall be deemed properly filed when deposited in an established post office within the prescribed time, duly stamped, registered, and directed to the Clerk of the House of Representatives of the United States, Washington, District of Columbia, but in the event it is not received, a duplicate of such statement shall be promptly filed upon notice by the Clerk of its non-receipt;

(2) Shall be preserved by the Clerk for a period of two years from the date of filing, shall constitute part of the public records of his office, and shall be open to public inspection.

EFFECTIVE: 01/31/78

119-1.7 Section 266 (Persons to Whom Applicable)

The provisions of this statute shall apply to any person (except a political committee as defined in chapter 8 of this title, and duly organized State or local committees of a political party), who by himself, or through any agent or employee or other persons in any manner whatsoever, directly or indirectly, solicits, collects, or receives money or any other thing of value to be used principally to aid, or the principal purpose of which person is to aid, in the accomplishment of any of the following purposes:

(1) The passage or defeat of any legislation by the Congress of the United States.

(2) To influence, directly or indirectly, the passage or defeat of any legislation by the Congress of the United States.

EFFECTIVE: 01/31/78

119-1.8 Section 267 (Registration of Lobbyists with Secretary of the Senate and Clerk of House; Compilation of Information)

(1) Any person who shall engage himself for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the Congress of the United States shall, before doing anything in furtherance of such object, register with the Clerk of the House of Representatives and the Secretary of the Senate and shall give to those officers in writing and under oath, his name and business address, the name and address of the person by whom he is employed, and in whose interest he appears or works, the duration of such employment, how much he is paid and is to receive, by whom he is paid or is to be paid, how much he is to be paid for expenses, and what expenses are to be included. Each such person so registering shall between the first and tenth day of each calendar quarter, so long as his activity continues, file with the Clerk and Secretary a detailed report under oath of all money received and expended by him during the preceding calendar quarter in carrying on his work; to whom paid; for what purposes; and the names of any papers, periodicals, magazines, or other publications in which he has caused to be published any articles or editorials; and the proposed legislation he is employed to support or oppose. The provisions of this section shall not apply to any person who merely appears before a committee of the Congress of the United States in support of or opposition to legislation; nor to any public official acting in his

official capacity; nor in the case of any newspaper or other regularly published periodical (including any individual who owns, publishes, or is employed by any such newspaper or periodical) which in the ordinary course of business publishes news items, editorials, or other comments, or paid advertisements, which directly or indirectly urge the passage or defeat of legislation, if such newspaper, periodical, or individual, engages in no further or other activities in connection with the passage or defeat of such legislation, other than to appear before a committee of the Congress of the United States in support of or in opposition to such legislation.

(2) All information required to be filed under the provisions of this section with the Clerk of the House of Representatives and the Secretary of the Senate shall be compiled by said Clerk and Secretary, acting jointly, as soon as practicable after the close of the calendar quarter with respect to which such information is filed and shall be printed in the Congressional Record.

EFFECTIVE: 01/31/78

119-1.9 Section 268 (Reports and Statements Under Oath)

All reports and statements required shall be made under oath, before an officer authorized by law to administer oaths.

EFFECTIVE: 01/31/78

119-1.10 Section 269 (Penalties and Prohibitions)

(1) Any person who violates any of these provisions shall, upon conviction, be guilty of a misdemeanor, and shall be punished by a fine of not more than $5,000 or imprisonment for not more than twelve months, or by both such fine and imprisonment.

(2) In addition to the penalties provided for in subsection (1) of this section, any person convicted of the misdemeanor specified therein is prohibited, for a period of three years from the date of such conviction, from attempting to influence, directly or indirectly, the passage or defeat of any proposed legislation or from appearing before a committee of the Congress in support of or opposition to proposed legislation; and any person who violates any provision of this subsection shall, upon conviction

thereof, be guilty of a felony, and shall be punished by a fine of not more than $10,000, or imprisonment, for not more than five years, or by both such fine and imprisonment.

EFFECTIVE: 01/31/78

119-1.11 Section 270 (Exemptions)

These provisions shall not apply to practices or activities regulated by chapter 8 of this title nor be construed as repealing any portion of said chapter 8 of this title.

EFFECTIVE: 01/31/78

119-2 POLICY

(1) The Attorney General has advised that copies of reports in Federal Regulation of Lobbying Act cases be furnished in all instances only to the Criminal Division.

(2) Upon receipt of a complaint, full details should be obtained from the complainant and incorporated into a closing prosecutive report which should be transmitted immediately to FBIHQ. If deemed necessary FBIHQ should be advised of the details of the complaint by more expeditious means.

(3) USA should not be consulted and no investigation should be initiated pending receipt of instructions from FBIHQ.

EFFECTIVE: 01/31/78

119-3 INVESTIGATIVE PROCEDURES

Investigative effort should be directed to ascertain:

(1) Whether or not the "person" involved solicited, collected, or received contributions of money or things of value;

(2) If so, whether one of the main purposes of the "person" so soliciting, collecting, or receiving the contribution or whether one of the main purposes of the contribution itself, was to influence the passage or defeat of legislation by Congress, and

(3) If the first two conditions prevail, whether the intended method of accomplishing the purpose was by means of direct communication with members of Congress. Such direct pressures may be accomplished either by the lobbyist or through hirelings or by means of an artificially stimulated letter campaign.

EFFECTIVE: 01/31/78

119-4 CHARACTER - FEDERAL REGULATION OF LOBBYING ACT

EFFECTIVE: 01/31/78

SECTION 120. FEDERAL TORT CLAIMS ACT

120-1 STATUTE

Title 28, USC, Sections 2671 to 2680, permits the U.S. to be sued in tort.

EFFECTIVE: 01/31/78

120-1.1 Section 2674, Liability of United States

"The United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances, but shall not be liable for interest prior to judgment or for punitive damages.

"If, however, in any case wherein death was caused, the law of the place where the act or omission complained of occurred provides, or has been construed to provide, for damages only punitive in nature, the United States shall be liable for actual or compensatory damages, measured by the pecuniary injuries resulting from such death to the persons respectively, for whose benefit the action was brought, in lieu thereof."

EFFECTIVE: 01/31/78

120-1.2 Section 2672

Provides for the administrative adjustment of claims under this act of ($25,000) or less by the head of each Federal agency.

EFFECTIVE: 01/31/78

120-1.3 Venue

(1) Title 28, USC, Sections 1346(b) and 1402(b)

(a) Section 1346(b) provides that the U. S. district courts, together with the U.S. District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims arising under this act.

(b) Section 1402(b) provides any civil action on claims under the act may be prosecuted only in the judicial district where the plaintiff resides or wherein the act or omission complained of occurred.

EFFECTIVE: 01/31/78

120-2 INVESTIGATIVE JURISDICTION

(1) Bureau at specific request of Department or USA accepts for investigation cases involving claims or potential claims in excess of $1,000 except:

(a) Suits brought against Government employees in state or local courts unless they arise out of the operation of a motor vehicle and the provisions of Title 28, USC, Section 2679(b), et seq., are applicable. (Government will assume defense of employee if acting within scope of his employment).

(b) Special investigations for congressional committees which are considering legislation for the relief of the plaintiff.

(2) Investigations should be instituted upon specific request of USA without FBIHQ authorization.

(3) Bureau also has agreed to conduct investigations for agencies and bureaus of Department of Justice in cases of serious personal injury or death. These investigations may be instituted without FBIHQ authorization at the request of agency or bureau of Department. If they desire to conduct their investigations of accidents, Bureau has no objection, although Bureau will receive and conduct investigations which are referred under FTCA. Promptly advise FBIHQ of institution of such investigations.

EFFECTIVE: 01/31/78

120-2.1 Investigative Suggestions

(1) Examine files of USA and interested governmental agency for background material and investigative leads.

(2) Obtain from USA at the time he specifically requests an investigation:

(a) Facts surrounding accident

(b) Type of vehicle involved, auto, truck, airplane, etc.

(c) Name of governmental agency involved

(d) Amount of civil suit filed by plaintiff

(e) Name of law firm representing plaintiff

(f) Specific scope of inquiry desired to enable USA to prepare his defense of civil suit against Government.

(g) Definitely determine if USA desires any contact with plaintiff. If so, necessary arrangements should be made by USA with plaintiff's attorney.

(3) When practicable, obtain signed statements from all parties involved and from all potential witnesses. During such interviews ascertain, in addition to regular address, where or through whom individual may be reached on short notice.

(4) Obtain description of scene with accompanying photographs and charts when such material will be of evidentiary or informative value.

(5) Obtain complete information on property damages or personal injuries sustained by all parties, including estimates on amount of property damage and medical reports on personal injuries. Where hospital records are examined, in addition to results of interviews conducted, obtain and report name and address of hospital official who has custody of and can introduce records in court.

(6) Obtain copy of report submitted by local police where they conducted investigation.

(7) With respect to automobile accidents, additional suggestions and instructions are set forth in the Manual of Administrative Operations and Procedures.

(8) Be alert for contributory negligence on part of plaintiff which would provide grounds for countersuit. In this connection, if USA desires investigation relative to plaintiff's financial ability, conduct investigation specifically requested.

(9) If request for foreign investigation received from USA, advise him Bureau has no facilities with which to conduct such investigations in FTCA cases. Suggest he make such request through Department.

EFFECTIVE: 01/31/78

120-3 STATUTE OF LIMITATIONS

See Title 28, USC, Section 2401(b). A tort claim is barred unless action is begun within two years after such claim accrues.

EFFECTIVE: 01/31/78

120-4 EXCEPTIONS TO FEDERAL TORT CLAIMS ACT

(1) Title 28, USC, Section 2680, lists a number of exceptions wherein the provisions of FTCA do not apply. Those most directly related to Bureau's work are as follows:

(a) Any claim based upon an action or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Government, whether or not the discretion involved be abused.

(b) Any claim arising out of an action or omission of an employee of the Government in administering the provisions of the Trading with the Enemy Act, as amended.

(c) Any claim arising out of libel, slander, misrepresentation, deceit or interference with contract rights.

EFFECTIVE: 01/31/78

120-5 POLICY

(1) Open case file on each individual plaintiff or group of plaintiffs who file a single civil suit against Government in connection with a particular accident.

(2) Major disasters

(a) Conduct immediate preliminary investigation to determine if Government has or may have an interest.

(b) If so, USA should be immediately apprised of information developed and advised that, in order to preserve evidence and obtain necessary facts, an investigation will be conducted by Bureau in event he so desires.

(c) Advise FBIHQ by telephone or teletype of facts ascertained, whether Government is or may be involved, and whether USA desires an FTCA investigation.

(3) Status

Tort cases should be kept in a pending status until final action has been concluded in U.S. district court. (Case should not be held open to follow results of appeals.) Thereafter closing report should be submitted. |Accomplishment Report| should also be submitted showing:

(a) Amount of suit

(b) Settlement or award

EFFECTIVE: 02/12/92

120-7 PRIVACY ACT - REQUIREMENTS

|(1)| When interviewing anyone in the above classification, in order to solicit information about|himself/herself|or|his/her|own activities, the interviewing Agent must follow the procedures described in MIOG, Part I, 190-5, subparagraphs (2) and (3).

|(2)| When interviewing an individual to solicit information concerning someone other than the interviewee (thereby classifying that individual as a source of information), the interviewing Agent must follow the procedure relating to promises of confidentiality as described in MIOG, Part I, 190-7.

EFFECTIVE: 02/12/92

120-8 CHARACTER - FEDERAL TORT CLAIMS ACT

EFFECTIVE: 02/12/92

SECTION 122. LABOR MANAGEMENT RELATIONS ACT, 1947

122-1 STATUTE

Title 29, USC, Sections 161(2), (6), 162, 176-178, and 186(a), (b), and (c).

EFFECTIVE: 11/12/80

122-1.1 Section 161(2)

(1) Contempt of court - failure to answer subpoena

"(2) In case of contumacy or refusal to obey a subpoena issued to any person, any district court of the United States or the United States courts of any Territory or possession, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

EFFECTIVE: 11/12/80

122-1.1.1 Procedure

Bureau will assist in locating any individual to testify in proceedings within U.S. District Court after bench warrant has been issued by district court and returned non est by U.S. Marshal.

EFFECTIVE: 11/12/80

| 122-1.2 Section 161(6)

EFFECTIVE: 11/12/80

| 122-1.2.1 Elements

(1) Requests for information from National Labor Relations Board (NLRB)

"(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board."

EFFECTIVE: 11/12/80

| 122-1.2.2 Procedure

|Information may be furnished to the NLRB provided adequate consideration has been given to the provisions of the Privacy Act as it pertains to the type material being requested. Any questions should be resolved by contact with FBIHQ.|

EFFECTIVE: 11/12/80

| 122-1.3 Section 162

EFFECTIVE: 11/12/80

122-1.3.1 Elements

(1) Interference with an NLRB Member or Agent--

"Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this subchapter shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both."

(2) Related Statute - Obstruction of Justice (OOJ)

Title 18, USC, Section 1505, OOJ, covers obstruction of the proceedings before any Federal departments or agencies, which include the NLRB. (See Part I, Section 72, of this manual.)

EFFECTIVE: 11/12/80

122-1.3.2 Procedure

Complaints or information concerning interference with an NLRB member or agent should be discussed immediately with USA to ascertain whether or not there is sufficient indication of a violation to justify investigation.

EFFECTIVE: 11/12/80

122-1.4 Section 176

EFFECTIVE: 11/12/80

| 122-1.4.1 Elements

(1) Conciliation of labor disputes, national emergencies - contempt of court

"Whenever in the opinion of the President of the United States, a threatened or actual strike or lock-out affecting an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, will, if permitted to occur or to continue, imperil the national health or safety, he may appoint a board of inquiry to inquire into the issues involved in the dispute and to make a written report to him within such time as he shall prescribe. Such report shall include a statement of the facts with respect to the dispute, including each party's statement of its position but shall not contain any recommendations. The President shall file a copy of such report with the Service and shall make its contents available to the public."

EFFECTIVE: 11/12/80

| 122-1.4.2 Procedure

Attorney General will request Bureau investigations. Should an investigation be authorized under this section, specific instructions will be given field as to nature and extent of investigation desired. Investigations have been requested by Department to establish violations of injunctions under this section as contempt of court.

EFFECTIVE: 11/12/80

| 122-1.5 Section 177

EFFECTIVE: 11/12/80

| 122-1.5.1 Elements

(1) Conciliation of labor disputes, national emergencies - contempt of court

"(a) A board of inquiry shall be composed of a chairman and such other members as the President shall determine, and shall have power to sit and act in any place within the United States and to conduct such hearings either in public or in private, as it may deem necessary or proper, to ascertain the facts with respect to the causes and circumstances of the dispute."

EFFECTIVE: 11/12/80

| 122-1.5.2 Procedure

Attorney General will request Bureau investigations. Should an investigation be authorized under this section, specific instructions will be given field as to nature and extent of investigation desired. Investigations have been requested by Department to establish violations of injunctions under this section as contempt of court.

EFFECTIVE: 11/12/80

| 122-1.6 Section 178

EFFECTIVE: 11/12/80

| 122-1.6.1 Elements

(1) Conciliation of labor disputes, national emergencies - contempt of court

"(a) Upon receiving a report from a board of inquiry the President may direct the Attorney General to petition any district court of the United States having jurisdiction of the parties to enjoin such strike or lock-out or the continuing thereof, and if the court finds that such threatened or actual strike or lock-out--

"(i) affects an entire industry or a substantial part thereof engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce; and

"(ii) if permitted to occur or to continue, will imperil the national health or safety, it shall have jurisdiction to enjoin any such strike or lock-out, or the continuing thereof, and to make such other orders as may be appropriate.

"(b) In any case, the provisions" of Sections 101-115 "of this title, shall not be applicable.

"(c) The order or orders of the court shall be subject to review by the appropriate United States court of appeals and by the Supreme Court upon writ of certiorari or certification as provided in section 1254 of Title 28."

EFFECTIVE: 11/12/80

| 122-1.6.2 Procedure

Attorney General will request Bureau investigations. Should an investigation be authorized under this section, specific instructions will be given field as to nature and extent of investigation desired. Investigations have been requested by Department to establish violations of injunctions under this section as contempt of court.

EFFECTIVE: 11/12/80

| 122-1.7 |Section 186(a), (b), and (c)|

EFFECTIVE: 11/12/80

122-1.7.1 Elements

(1) Section 186(a) Prohibits Unlawful Payments or Loans by Employers or Persons Acting in the Interest of Employers

"(a) It shall be unlawful for any employer or association of employers or any person who acts as a labor relations expert, adviser, or consultant to an employer or who acts in the interest of an employer to pay, lend, or deliver, or agree to pay, lend, or deliver, any money or other thing of value -

"(1) to any representative of any of his employees who are employed in an industry affecting commerce; or

"(2) to any labor organization, or any officer or employee thereof, which represents, seeks to represent, or would admit to membership, any of the employees of such employer who are employed in an industry affecting commerce; or

"(3) to any employee or group or committee of employees of such employer employed in an industry affecting commerce in excess of their normal compensation for the purpose of causing such employee or group or committee directly or indirectly to influence any other employees in the exercise of the right to organize and bargain collectively through representatives of their own choosing; or

"(4) to any officer or employee of a labor organization engaged in an industry affecting commerce with intent to influence him in respect to any of his actions, decisions, or duties as a representative of employees or as such officer or employee of such labor organization.

(2) Section 186(b) Prohibits Acceptance or Demands for Unlawful Payments

"(b) (1) It shall be unlawful for any person to request, demand, receive, or accept, or agree to receive or accept, any payment, loan, or delivery of any money or other thing of value prohibited by subsection (a) of this section.

"(2) It shall be unlawful for any labor organization, or for any person acting as an officer, agent, representative, or employee of such labor organization, to demand or accept from the operator of any motor vehicle" (as defined in Sections 301-327 of Title 49) "employed in the transportation of property in commerce, or the employer of any such operator, any money or other

thing of value payable to such organization or to an officer, agent, representative or employee thereof as a fee or charge for the unloading, or in connection with the unloading, of the cargo of such vehicle: Provided, That nothing in this paragraph shall be construed to make unlawful any payment by an employer to any of his employees as compensation for their services as employees.

(3) Section 186(c) Enumerates Nine Exceptions to the Prohibited Activities of (a) and (b)

"(c) (1) in respect to any money or other thing of value payable by an employer to any of his employees whose established duties include acting openly for such employer in matters of labor relations or personnel administration or to any representative of his employees, or to any officer or employee of a labor organization, who is also an employee or former employee of such employer, as compensation for, or by reason of, his service as an employee of such employer; (2) with respect to the payment or delivery of any money or other thing of value in satisfaction of a judgment of any court or a decision or award of an arbitrator or impartial chairman or in compromise, adjustment, settlement, or release of any claim, complaint, grievance, or dispute in the absence of fraud or duress; (3) with respect to the sale or purchase of an article or commodity at the prevailing market price in the regular course of business; (4) with respect to money deducted from the wages of employees in payment of membership dues in a labor organization: Provided, That the employer has received from each employee, on whose account such deductions are made, a written assignment which shall not be irrevocable for a period of more than one year, or beyond the termination date of the applicable collective agreement, whichever occurs sooner; (5) with respect to money or other thing of value paid to a trust fund established by such representative, for the sole and exclusive benefit of the employees of such employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): Provided, That (A) such payments are held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical or hospital care, pensions on retirement or death of employees, compensation for injuries or illness resulting from occupational activity or insurance to provide any of the foregoing, or unemployment benefits or life insurance, disability and sickness insurance, or accident insurance; (B) the detailed basis on which such payments are to be made is specified in a written agreement with the employer, and employees and employers are equally represented in the administration of such fund, together with such

neutral persons as the representatives of the employers and the representatives of employees may agree upon and in the event the employer and employee groups deadlock on the administration of such fund and there are no neutral persons empowered to break such deadlock, such agreement provides that the two groups shall agree on an impartial umpire to decide such dispute, or in event of their failure to agree within a reasonable length of time, an impartial umpire to decide such dispute shall, on petition of either group, be appointed by the district court of the United States for the district where the trust fund has its principal office, and shall also contain provisions for an annual audit of the trust fund, a statement of the results of which shall be available for inspection by interested persons at the principal office of the trust fund and at such other places as may be designated in such written agreement; and (C) such payments as are intended to be used for the purpose of providing pensions or annuities for employees are made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions or annuities; (6) with respect to money or other thing of value paid by an employer to a trust fund established by such representative for the purpose of pooled vacation, holiday, severance or similar benefits, or defraying costs of apprenticeship or other training programs: Provided, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds; (7) with respect to money or other thing of value paid by any employer to a pooled or individual trust fund established by such representative for the purpose of (A) scholarships for the benefit of employees, their families, and dependents for study at educational institutions, or (B) child care centers for preschool and school age dependents of employees: Provided, That no labor organization or employer shall be required to bargain on the establishment of any such trust fund, and refusal to do so shall not constitute an unfair labor practice: Provided further, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds; or (8) with respect to money or any other thing of value paid by any employer to a trust fund established by such representative for the purpose of defraying the costs of legal services for employees, their families, and dependents for counsel or plan of their choice; Provided, That the requirements of clause (B) of the proviso to clause (5) of this subsection shall apply to such trust funds: Provided further, That no such legal service shall be furnished: (A) to initiate any proceeding directed (i) against any such employer or its officers or agents except in workman's compensation cases, or (ii) against such labor organization, or its parent or subordinate bodies, or their officers or agents, or (iii) against any other employer or labor organization, or their officers or agents, in any matter arising under subchapter II

of this chapter or this chapter; and (B) in any proceeding where a labor organization would be prohibited from defraying the costs of legal services by the provisions of the Labor-Management Reporting and Disclosure Act of 1959; or (9) with respect to money or other things of value paid by an employer to a plant, area or industrywide labor management committee established for one or more of the purposes set forth in section 5(b) of the Labor Management Cooperation Act of 1978.

|"(d) (1) Any person who participates in a transaction involving a payment, loan, or delivery of money or other thing of value to a labor organization in payment of membership dues or to a joint labor- management trust fund as defined by clause (B) of the proviso to clause (5) of subsection (c) of this section or to a plant, area, or industry-wide labor-management committee that is received and used by such labor organization, trust fund, or committee, which transaction does not satisfy all the applicable requirements of subsections (c) (4) through (c) (9) of this section, and willfully and with intent to benefit himself or to benefit other persons he knows are not permitted to receive a payment, loan, money, or other thing of value under subsections (c) (4) through (c) (9) violates this subsection, shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000 or imprisoned for not more than one year, or both.

"(2) Except for violations involving transactions covered by subsection (d) (1) of this section, any person who willfully violates this section shall, upon conviction thereof, be guilty of a felony and be subject to a fine of not more than $15,000, or imprisoned for not more than five years, or both; but if the value of the amount of money or thing of value involved in any violation of the provisions of this section does not exceed $1,000, such person shall be guilty of a misdemeanor and be subject to a fine of not more than $10,000, or imprisoned for not more than one year, or both."|

"(e) The district courts of the United States and the United States courts of the Territories and possessions shall have jurisdiction, for cause shown, and subject to the provisions of section 381 of Title 28 (relating to notice to opposite party) to restrain violations of this section, without regard to the provisions of section 17 of Title 15 and section 52 of this title, and the provisions" of Sections 101-115 "of this title.

"(f) This section shall not apply to any contract in force on June 23, 1947, until the expiration of such contract, or until July 1, 1948, whichever first occurs.

"(g) Compliance with the restrictions contained in subsection (c) (5) (B) of this section upon contributions to trust funds, otherwise lawful, shall not be applicable to contributions to such trust funds established by collective agreement prior to January 1, 1946, nor shall subsection (c) (5) (A) of this section be construed as prohibiting contributions to such trust funds if prior to January 1, 1947, such funds contained provisions for pooled vacation benefits."

EFFECTIVE: 05/28/85

122-1.7.2 Significant Exclusions In Coverage

(1) The coverage of this Act is set forth in the definitions under Title 29, USC, Section 142, which in turn refers to the National Labor Relations Act, Title 29, USC, Section 152. Section 152 (2), (3), and (5) exclude from coverage under the Act, inter alia, unions comprised only of the following types of employees:

(a) Agricultural laborers;

(b) Individuals having the status of an independent contractor

(c) Persons subject to the Railway Labor Act (generally railroads subject to the Interstate Commerce Act and interstate airlines).

(d) Employees of Federal, state, or local governments, and wholly owned government corporations, including Federal Reserve Banks.

(2) The Department of Justice has advised that if a public employee union also represents or would admit to membership employees in the private sector, the union may be covered by the Act. In such instances, the U.S. Attorney should be consulted prior to conducting investigation.

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[redacted]

EFFECTIVE: 07/28/87

||122-1.7.4| Procedure

(1) Complaints or information concerning restrictions on payments or loans (Title 29, USC, Section 186) should be discussed immediately with USA to obtain USA's opinion as to whether information received contains sufficient indication of violation to justify investigation.

(2) Matters may be considered possible violations even if payment or agreement to pay is not made, since this section prohibits request or demand being made. Such matters may be considered possible violations should they involve various parties enumerated under this section in addition to only employer and representative of employees. Also, matters may be possible violations if they involve loans made between parties enumerated in this section. Such parties would include middlemen used to relay payments or loans.

(3) A matter which involves fee or charge for unloading an interstate truck, demanded or accepted by parties enumerated in subsection (b)(2) of this section may also involve violation of Hobbs Act.

(4) Welfare funds - Bureau has investigative jurisdiction under Title 29, USC, Section 186(c)(5), to determine whether any particular welfare fund to which employer contributions are made comes within purview of this subsection of statute and, if so, whether it has been legally established in accordance therewith. Violation of LMRA would be indicated if such fund would not conform to provisions of this statute since contributions to the fund could be considered restricted payments by an employer. In order that USA can make determination as to whether investigation is justified, copies of the following should be obtained and utilized in initial discussion with USA:

(a) Collective bargaining agreement in which provision is made for establishment of welfare fund

(b) Trust agreement establishing fund

EFFECTIVE: 07/28/87

||122-1.7.3 Potential Problems in Undercover Operations Targeting Violations of Title 29, USC, Section 186

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[redacted]

(c) Most recent audit report of fund

(d) Data concerning interstate nature of businesses contributing to fund

This material may be obtainable from employers or employer trustees.

(5) Open separate cases regarding each individual, each employer, or each group of employers who may be involved in payments, loans, or demands for same.

EFFECTIVE: 07/28/87

||122-1.7.5| Definitions

(1) "Industry affecting commerce" referred to in above section is defined (Title 29, USC, Section 142) as "any industry or activity in commerce or in which a labor dispute would burden or obstruct commerce or tend to burden or obstruct commerce or the free flow of commerce."

(2) "Commerce" is defined (Title 29, USC, Section 152) as "trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any Territory of the United States and any State or other Territory, or between any foreign country and any State, Territory, or the District of Columbia, or within the District of Columbia or any Territory, or between points in the same State but through any other State or any Territory or the District of Columbia or any foreign country."

EFFECTIVE: 07/28/87

122-2 GENERAL INSTRUCTIONS

Interviews with union officials may be conducted on the authority of the SAC, provided all of the following circumstances exist:

(1) Files of field office where interview to be conducted contain no information to indicate such interview would be inadvisable.

(2) Interview is not premature and other available sources of information desired from union official have been exhausted.

(3) Interview is absolutely necessary in interest of conducting complete and thorough investigation.

(4) Interview of a union official who is a subject of the investigation is discussed with and concurred in by the U.S. Attorney.

(5) Interview will not interfere with any other investigation of the official or union.

(6) If interview to be conducted by an auxiliary office, that office must ensure their files contain no information to indicate the interview would be inadvisable.

(7) FBIHQ is notified in advance in the event the interviewee is prominent, extremely controversial, or of such stature to focus national attention on the investigation.

EFFECTIVE: 10/18/88

122-3 REPORTING REQUIREMENTS

(1) |An initial airtel with accompanying LHM (original and three copies) should be submitted to FBIHQ within 60 days if the investigation involves LCN members or associates. The LHM should contain the preliminary opinion of the USA and sufficient identification data on the subject(s) for indexing purposes.|

(2) |A progress letter should be submitted to FBIHQ every 180 days containing a summary of investigation conducted to date and a statement regarding investigation contemplated during the next 180 days.|

(3) |A closing airtel should be submitted to FBIHQ with LHM restating the predication for opening the investigation, summarizing the investigative findings and detailing the disposition of the investigation. The LHM should include the final opinion of the USA.|

(4) |If the investigation involves non-LCN groups (i.e., Asian organized crime, Sicilian Mafia, etc.), advise FBIHQ by airtel

with accompanying LHM as described above within 60 days. The results and/or summary should be reported by LHM (original and three copies).

EFFECTIVE: 10/18/88

122-4 PRIVACY ACT - REQUIREMENTS

(1) When interviewing anyone in the above classification in order to solicit information about himself/herself or his/her own activities, the interviewing Agent must follow the procedures described in Part I, Section 190-5 subparagraphs (2) and (3) of this manual.

(2) When interviewing an individual to solicit information concerning someone other than the interviewee (thereby classifying that individual as a source of information) the interviewing Agent must follow the procedure relating to promises of confidentiality as described in Part I, Section 190-7 of this manual.

EFFECTIVE: 10/18/88

122-5 CHARACTER - LABOR MANAGEMENT RELATIONS ACT, 1947

EFFECTIVE: 10/18/88

SECTION 125. RAILWAY LABOR ACT

125-1 STATUTES

Title 45, USC, Sections 60, 151-163, and 181-188

EFFECTIVE: 07/27/81

125-1.1 Elements

Carrier, its officers or agents, have violated Act if they willfully:

(1) Interfere, influence, or coerce representative of employee or interfere with choice of representative (Section 152 - third paragraph)

(2) Interfere with organization or collective bargaining of employee (Section 152 - fourth paragraph)

(3) Require any person seeking employment to agree or promise to join or not to join a labor union (Section 152 - fifth paragraph)

(4) Change rates of pay, rules, or working conditions of its employees contrary to agreement or to Section 156 of this Act (Section 152 - seventh paragraph)

(5) Fail to notify its employees by printed notices as specified by Mediation Board that all disputes between carrier and its employees will be handled in accordance with requirements as outlined by statute. (Section 152 - eighth paragraph)

EFFECTIVE: 07/27/81

125-1.1.1 Definitions (Section 151)

(1) Carrier:
Express company;
Sleeping car company;
Carrier by railroad;
Company controlled by a carrier by railroad and engaged in activities directly related to transportation by carrier (other than trucking service);
Airline company;
Term "carrier" does not include street, interurban, or suburban electrical railway unless it is a part of regular railroad system.

(2) Employees -
Individuals employed by carrier except coal miners

(3) Representative -
Person, labor union, organization, or corporation designated by carrier or group of carriers, or by its or their employees to act for it or them

EFFECTIVE: 07/27/81

125-2 POLICY

(1) The U.S. Department of Justice requires prior Criminal Division approval of all prosecutions involving Title 45, USC, Section 152, tenth paragraph, and has instructed all USAs to summarily decline investigation and/or prosecution of all complaints unless they contain allegations of egregious carrier interference with employee rights tantamount to actual or threatened violence, or involving the payment of bribes to employee representatives.

(2) Upon receipt of complaint or information indicating possible violation, present to USA to ascertain whether or not an investigation is warranted.

(3) If USA declines prosecution at the inception, close case and submit an|airtel|following guidelines as set forth under Reporting Procedures.

EFFECTIVE: 10/18/88

125-3 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

125-4 PENALTY (Section 152 - tenth paragraph)

(1) Misdemeanor
Fine - minimum - $1,000; maximum - $20,000
Imprisonment - maximum - six months or both, for each offense

(2) Each day during which carrier, officer, or agent willfully fails or refuses to comply with paragraphs of Section 152 shall constitute separate offense.

EFFECTIVE: 07/27/81

|125-5 RELATED STATUTE - EMPLOYERS' LIABILITY ACT - TITLE 45, USC, SECTION 60

This Act is contained in Title 45, USC, Sections 51-60. Sections 51-59 provides a civil right of action in Federal court by employees of any railroad that is a common carrier against the employer for damages for injury to or death of such employees resulting from negligence of the employer or its agents. Section 60 does not provide jurisdiction for civil relief, however, is a criminal statute within Bureau investigative jurisdiction.

EFFECTIVE: 07/27/81

125-5.1 Elements

Anyone violates Act:

(1) Who attempts

(a) by threats, intimidation, order, rule, contract, regulation, or device whatsoever

(b) to prevent any person from furnishing voluntarily information to a person in interest

(c) concerning facts incident to injury or death of any employee of any common carrier, or

(2) Who discharges or otherwise disciplines or attempts to discipline any employee for furnishing voluntarily to a person in interest information described in (1)(c) above.

EFFECTIVE: 07/27/81

125-5.2 Penalty

Upon conviction shall be punished by fine of not more than $1,000 or imprisoned for not more than one year, or both.

EFFECTIVE: 07/27/81

125-5.3 Exception to Act

No contract, rule, or regulation with respect to information contained in files of carrier or other privileged or confidential reports shall be voided by this Act.

EFFECTIVE: 07/27/81

125-5.4 Policy

Handle in accordance with policy in 125-2.

EFFECTIVE: 07/27/81

125-6 CHARACTER - RAILWAY LABOR ACT; RAILWAY LABOR ACT - EMPLOYERS' LIABILITY ACT (if investigation deals with 125-5)

EFFECTIVE: 07/27/81

SECTION 131. ADMIRALTY MATTER

131-1 STATUTES

Title 46, USC, Sections 741 to 752 and 781 to 799 permits suits in admiralty to be brought by or against the United States or against any corporation owned by it.

EFFECTIVE: 01/31/78

131-2 BACKGROUND

(1) During World War II, Government's vessels were directly operated by War Shipping Administration. In conducting these operations of its vessels, the United States, like other ship operators, used three coordinated classes of agents usual in conducting shipping business; namely;

(a) The shipmaster

(b) The ship's husband or general agent

(c) The consignee of the ship or the berth agent

(2) Each agent is responsible directly to United States as "operating owner" for matters with which he is entrusted.

(3) United States employs experienced shipmasters as agents for physical operation and management of vessels afloat, and experienced steamship operators both as general agents to "husband" ship or manage accounting and other shoreside business operations and as berth agents to manage operation of obtaining and discharging cargo and other port services.

(4) United States sometimes insures vessels it operates in this type of operation. When suit is brought against Government, general agent is sometimes codefendant. The underwriters normally permit general agent to select attorneys to assist USA in defending suit. These attorneys are paid by underwriters who sustain expense of investigation, attorney's fees and judgments. Premiums paid to such underwriters by Government are paid

under agreement which contains a recapture clause. If above expenses paid do not exceed premiums paid by Government a refund will be made to Government.

(5) In addition to these operations by War Shipping Administration and its successor, the Maritime Commission and Maritime Administration, and also operation of regular Navy and Army vessels, there are cargo- and passenger-type vessels operated by the Army Transport Service and the Military Sea Transportation Service. These vessels are crewed by civilian Government employees and are not insured.

EFFECTIVE: 01/31/78

131-3 POLICY

(1) Requests for investigation are referred directly to divisional offices by field office of Admiralty Section of Civil Division or the USA. Cases should not be accepted for investigation in which previous investigation was conducted by another agency.

(2) Differentiate between full investigation for trial purposes and administrative investigation or accident report for disciplinary purposes or accident prevention purposes. Many times Navy, Army, or Coast Guard, or more than one of them, will conduct hearings or investigations for express purpose of fixing responsibility for accident thereby enabling them to take necessary administrative action. This type of investigation or hearing cannot be construed as an investigation within the rule that Bureau will not investigate matters previously investigated by another agency.

(3) There are occasions when case has been entirely investigated by either Admiralty attorneys themselves or employees of another Government agency. Subsequently, requests are received to conduct investigation to bring entire matter to logical conclusion. Bureau's experience has shown that this is not conducive to maximum efficiency in investigations. Consequently, no investigation should be conducted.

(4) Where underwriters permit general agent to select his attorneys to handle dispute, such attorneys are reimbursed to locate and interview their own witnesses. Under no circumstances are you to locate witnesses or conduct investigations to locate witnesses for these attorneys even though request emanated from USA's office, without special authorization from FBIHQ.

(5) While close cooperation with attorney charged with defense of admiralty suit is important and his suggestions as to lines of inquiry should be followed, Agents should not work under supervision of attorney from Admiralty Section of USA's office or a special assistant to the Attorney General handling admiralty matters.

(6) Investigations ordinarily should be confined to cases in which risk is uninsured and Government has to defend case and sustain whatever loss involved. Any requests for investigation in insured cases should be referred to FBIHQ for authority to investigate, with your recommendations.

EFFECTIVE: 01/31/78

131-4 HANDLING OF CASES

(1) Examine and secure, if possible, a copy of report of investigation previously conducted or minutes of hearing.

(2) Refer to steamship companies as the "general agent," not the "operator."

(3) Files should be opened on each individual plaintiff or group of plaintiffs who filed a single suit against U.S. in connection with a particular accident.

(4) After investigation completed, case should be placed in pending-inactive status until matter is settled in court. A closing report should then be submitted. A statistics letter should then be submitted to FBIHQ showing:

(a) Amount of suit

(b) Settlement or award

EFFECTIVE: 01/31/78

131-5 PRIVACY ACT - REQUIREMENTS

When interviewing anyone in the above classification, in order to solicit information about himself or his own activities, the interviewing Agent must follow the procedures described in MIOG: Part I, 190-5, subparagraphs (2) and (3).

When interviewing an individual to solicit information concerning someone other than the interviewee (thereby classifying that individual as a source of information) the interviewing Agent must follow the procedure relating to promises of confidentiality as described in MIOG: Part I, 190-7.

EFFECTIVE: 01/31/78

131-6 CHARACTER - ADMIRALTY MATTER

EFFECTIVE: 01/31/78

SECTION 134. FOREIGN COUNTERINTELLIGENCE ASSETS (OPERATIONAL AND INFORMATIVE ASSETS)

134-1 FOREIGN COUNTERINTELLIGENCE ASSETS (OPERATIONAL AND INFORMATIVE ASSETS)

Information concerning the |134| classification is set forth in a separate FBI manual, the |NATIONAL FOREIGN INTELLIGENCE PROGRAM MANUAL (NFIPM).|

EFFECTIVE: 02/14/97