OPENING A

CONFIDENTIAL HUMAN SOURCE

".~ CONFIDENTIA~_~~~AN SOURCE

m~

ACLURM000064

PROCESS

'~ I ~.__ ,JPROCESS

   L

:; Definition of ConfidentiaI Hurnan Source:

Definition of Confidential Human Source:

individual who is believed to be

• Any
AnyAny ind;viduai who is beUeved to be
providing useful and credible information to

providing useful and credible information to

the FBI for any authorized information

the FBI for any authorized information

co]lection -activity, and from whom the FBI

collection-activity, and from whom the FBI

expects or intends to obtain additional useful

expects or intends to obtain additional useful

and credible information in the future, and

and credible information in the future, and

whose identity, information or relationship

whose identity, information or relationship

[
b2
rrants confidential handling.
Wit!J the FBI wrants confidential handling. b7E:

-

7

ACLURM000065

b2
b2b2

b7E:;

b'76

   ---.JI PROCESS
PROCESSPROCESS
[L--.o-__

Tridir

(S) .. ~.. ~,., h_
.... r--. ..... ,...... ,......... -.-..

12

ACLURM000066

s~

CONFIDENTIALITY OF

CON FIDENTIALITY OF

CHS IDENTITY

CHS IDENTITY

• Cantinuing obligation to maintain
. Continuing obligation to maintain

confidentiality of identi~except:

confidentiality of identi exce t: b2
b2b2

b7~

• Disclosure o:mitledl'tied .b7g
I _ I ~---------~   1

To other FBI agents with need to know no

•
•• To other FBI agents with need to know (no
SAC approval needed).

SAC approva' needed).

To other LE, intelligence immigration,

•
•• To other LE, intelligence ~mmigrationf
diplomatic, or military offlcials with need to b2
kn   r delegee approval needed, per 137E.b7£

diplomatic, or milithry ocials with need toffi1,2

knOW (S&;;~r delegee approval needed, per
[J

I CHS will testify in G3 or judicial proceeding

•
•• If CHS will test~fy in GJ or judicia' proceeding
no SAC approval needed).

(no SAC approval needed).

3S

35

...>t‹.
ACLURM000067

CONFIDENTIALITY OF

CONFIDENTIALITY OF

CHS IDENTITY

11 CHS I"~~_N!ITY

• Contin u ing obligation to rnaintain
. Continuing obligation to maintain

confidentiaIity of identity except:

confidentiality of identity except:

. Disclosure re aired - cant:

• Disclosure reqUired -cont:
b2
b7E

35

S F T
ACLURM000068

CONFIDENTIALITY OF

CONFIDENTIALITY OF

W~ I CHS IDENTITY

CHS IDENTITY

"1'1•___.-;...•-------.•.~. .

• ConfidentiaIity obiigation extend 5 even
Confidentiality obligation extends even

to
toto dissemination within FBI and DO]

dissemination within FBI and DO]

t ,

b2
b7E

Obligation extends be and employment

• Obligation extends beyond employment
with FBI I.·

with FBII

38
3838

ACLURM000069

en   J en' en   J en'
)g<

RECORD KEEPING

4D2.

b2.

b7E.

b7E

• Filing
N Filing

• CHS ha assigned to it at time of opening 12.2
assigned to it at t\me of opening b2
that is use   in documents withinn documents within

CHS ha b7E
b7Eb7E

that is use 1

FBI and outside FB

FBI and outside FB

:b2

b2

1)7g

b7E

45
4545

ACLURM000070

CHS OPERATING OVERSEAS

b7E

•
[J b2

If FBI has full investigation, tt may

If FBI has full investigation, it may

bl

.b2

< :07E

'.

sir   52
5252

ACLURM000071

USE OF

USE OF

CONFIDENTIAL HUMAN SOURCES

CONFIDENTIAL HUMAN SOURCES

h

IN ASSESSMENTS

.'~'.. IN ASSESSMENTS

~~~t____~_---..-.~r.

~ .

~

n

ACLURM000072

ASSESSMENTS
e Ines — au or«e# methods include:
. human sources in conformity AGG-
0-15. (ACC-DOM II.A.4.. "Use' defined obtaining operating such sources. (A -CH WIN/
DOG 5.91)1.1)
73
ACLURM000073
.... USE OF CHS IN ASSESSMENTS
• methods include:
• Use and recruit human sources ~n conformlty with AGGCHS.

(AGG~DOM Section II.A.4 .e)
• \'Use" defined as obtain~ng information from, tasking, or otherwise operating such sources. (AGG-CHS VII.V, DIOG 5.9.H.l)

USE OF CHS IN ASSESSMENTS

Purpose of Assessment .

•
•• Purpose of Assessment:
•
•• Detect, obtain information about, or prevent or
Detect, obtain information about, or prevent or

protect against federal crimes or threats to the

protect against federal crimes or threats to the
. national security or to collect foreign intelligence.

national security or to coUect foreign inte11igence.

AGG-DOM Section II.A.1. See also DIOL 5.2.

AGG-OOM Section ILA.l. See also DIOG 5.2.

nAuthorized Assessment Activities:
• Authorized Assessment Activities:
• Type # 1 assessment: Obta~ning informatlon concerning
. Type #1 assessment: Obtaining informal:Jon concerning

federal criminal law violations or threats to national security

Federal criminaI law vIalations or threats to nationa! securi ty

(AGG-DOM Section II.A.3.aJ).

(AGG-DOM Section II.A.3.a.i).

USE OF CHS IN ASSESSMENTS

, • Assessment activities -cant.:

Assessment activities - cont.:

Type #2 assessment Obtaining information

-
•• Type #2 assessment: Obtaining information
concerning the role of individuals, grou'ps

concerning the role of individuals, groupst

organizations in such activities (AGG-DOM Section

organizations in such activities (AGG-DOM Section

II.A.3.a.ii).
II.A.3.a.11),

Type #3 assessment: Obtainin9 information about

-
•• Type #3 assessment: Obtainin9 information about
potential targets or vu]nerabtntles to federal

potential targets or vulnerabilities to federal

criminal law activities or threats to national

criminal law activities or threats to national

security (AGG-DOM Section II.A.3.b)

security (AGG·DOM Section II.A.3.b)

Ty_pe #4 assessment: Obtaining information to

-
•• Type #4 assessment: Obtaining information to
inform or facilitate intelligence analysis and

inform or facUitate inteUigence analysis and

planning (AGG-DOM Sect,on II.A.3.d)

planning (AGG-DOM Section II.A.3.d)

7S

ACLURM000075

USE OF CHS IN ASSESSMENTS

~~USE OF CHS IN ASSESSMENTS
:~~h Assessment activiti;··~ cant.:

mry Assessment activities — cont.:

• Type # 5 assessment: Ide ntifying p,otentl a I
Type #5 assessment: Identifying potential

humansources, assess the suitability,

human sources, assess the 5uitaol I ityf
credibility, or value of individuals as human _

credibility, or value of individuals as human

sources, validate human sources,· or

sources, validate human sources, or

maintaIn the cover or credibiUty of huma n

maintain the cover or credibility of human

sources, who may be able to provide 0 r

sources, who may be able to provide or

obtain information relating to criminal

obtain information relating to criminaf

violations, threats, FI (AGG-DOM Section

violations, threats, FT (AGG-DOM Section

II.A.3,c). .

II.A.3.c)~

ACLURM000076

ASSESSMENTS
Ix activities — cont.:
a Type #5 assessment:
All activities must follow 0-15/ CI-15PM, and CHSVSM, but if conflict
DIOG, controls (DIOG 5.6.A.5).
• Can use a CHS in support of this assessment to
CHS (DIOG 5.9.H.2).
. d all assessment activities
through 5.6.ACLURM000077
'CI':~I~ USE OF CHS IN ASSESSMENTS
~~: Assessment activiti~'·-- co~t.: .
• 5 assessment:
• AU such assessment activities must foUow the
AGG-CHSj., CHSPM, and CHSVSM..! with DIOut DIOG contro's (DIO\:] 5 .6.A. 5) I

vet another (DIOG 5.9..
• Must dgcumenJ; aU acttvities
throughL-j (DIOG 5. 6.A.5).
n
h2
b'1E:'

USE OF CHS IN ASSESSMENTS

~,USE OF CHS ~~_~SSESSMENTS

• Assessment activities -cant.:
.Assessment activities — cont.:

• Type #6 assessment: Obtaining
. Type #6 assessment: Obtaining

information to respond to foreign

information to respond to forei n

132

b2.

b7E

inteNence requirementintelligence reguirementf] b7E.

Lc= J.I.

DIOL Section 5.6 - full description of rules

•
•• DIOG Section 5.6 -full description of rules
for each type of assessment.

for each type of assessment.

78

ACLURM000078

USE OF CHS IN ASSESSMENTS

:.~~~~USE OF CHS IN ASSESSMENTS

n Limitations on use of Fi in Assessments:
~I' Limitations on use oRAs Tn Assessments:

May not be used in the course of providing

• May not be used in the course of providing ass,stance to other federa I agencies, un like other

assistance to other federal agencies, unlike other

assessment methOdSun1ess have DO] approval.

assessment methods, unless have DO] approval.

AGG-DOM Section III.B.2.c. (see also DIOG

AGG·DOM Section IIf.B.2ac. (see a'so DIOG

S.9.H.5).

.9.H.5).

a Should generally not be used to collect non

• Shoutd generally not be used to coUect noncrimina~, non-national security threat-related

criminal, non-national security threat-related

foreign intelligence from USPs, since FBI must

foreign IntelJigence from USPs, since FBI must

operate openly and consensually with a USP, to

operate OpenlY and consensuaUy with a USP, to

the extent practicable, in that regard. AGG-Dl

the exten practicablein that regard. AGG·DOM

Section I.C.2.b (see also DIOG 5.9.H.5).

r

Section I.C~2.b (see a so DIOG 5.9.H.5).

79
7979 '

USE OF CHS IN ASSESSMENTS

~----~-----.."' .--.

Least intrusive means — use CHS only if it IS the least

least intrusive means -use CHS only if it IS the least

intrusive means, pa rticurarly with regard to an

intrusive means, particularly with regard to an

assessment, s~nce it is a relative'v intrusive method

assessment, since it is a relatively intrusive method

of ;nformation-gathering (DIOG S.9.H.4).

of information-gathering (DIOG 5.9.I1.4)

•

•• Limit use in focus and scope to what is necessary to
Limit use in focus and scope to what is necessary to

accompUsh the authorized pu rpose and objective of

accomplish the authorized purpose and objective of

the assessment or predlcated mvest[gation. If only.

the assessment or predicated investigation. If only

an assessment is openj must limit CHS activities as

an assessment fs opeQl must limit CHS activities as

necessary to achieve me objective of the

necessary to achieve the objective of the

assessment; if come upon Info that wourd justify

assessment; if come upon info that would justify

predicated investigption, then need to open

predicated investigationf then need to open

Investigation (DIOG 5.9.H44).

investigation (DIOG 5.9.H.4).

If tasking CHS to attend reUgious service. need SSA

•

•• If tasking CHS to attend religious service, need SSA

approval in investigation; SAC approval in

approvar in investigation; SAC approval in

assessment. (DIOG 5.9.H.3).

assessment. (DIOG 5.9.H.3).

~

---za•tz BO
BOBO

ACLURM000080

OF CHS IN ASSESSMENTS

.~ USE gF CH~!_~__ASSESSMENTS
~~ 111• As with conducting type #5 assessment

As with conducting type #5 assessment
for vetting CHS, using CHS during

for vetting CHS, using CHS during

course of assessment or ·predicated

course of assessment or predicated

investigation must·conform to AGG

investigation must conform to AGG-

CHS, AGG... DOM, CHSPM, CHSVSM. If
conflicts with CHSPM/CHSVSNIIDIOG
DIOGDIOG

CHS, AGG-DOM, CHSPM, CHSVSM. If

conflicts with CHSPM/CHSVSMt

controls (DIOG 5.9.H.f)~

controls (DIOG 5.9.H.O.

S a

ACLURM000081

UNDISCLOSED
UNDISCLOSEDUNDISCLOSED

,~-PARTICIPATION (UDP)

PARTICIPATION CUDP)

/33

J

.~

ACLURM000082

f l b2
b7E

=--. -

•
•
",
~.. ~ """\
e

• SI miJa r to definition of sensitive
imi ar to definition of sensitive

investigative matter (DIOL 9.9.A).

investigative matter (DIOG 9.9~A).

92

ACLURM000083

•
Assessment v. Investigation
. —
• Investigation
93
. . .) R R (1
ACLURM000084
··'.'~~Wft,~_As_s_es_s_m_e_n!_v .•. Investigation
• Assessments -
Investigatio n ..
b2
b7E

Note —
. Former is a policy call
• Latter is a legal ACLURM000085

UDP
- ':
.. - '1
• is policy legal call
l
99
b2
b7E

b2
··biB

UDP
UDPUDP

~~_____----~ ,. _h

does not designate the party that categorizes the UDP

does not designate the party that categorizes the UDP

L......r:o,.....,....d.~, It is with the or~ginatlng field office srnce FO initiates

f It is with the originating field office since FO initiates

and runs UDPs.

and runs UDPs.

If field sends UDP to OGe that we thInk does not belong

•
•• If field sends UDP to OGC that we think does not belong
here, we can send It hack and ask the CDC to reconsider or b2

here[we can send It back and ask the CDC to reconsider or

elaborate on their reasoning,

elaborate on their reasoning, blE.

• Sincel   lis confusing, field may think it has to refer all
.. SJnceriis confusing, field may think it nas to refer all

UDPs to1)(3C.

UDPs~C.

does not designate the OGC entity (NS1_13/1Wiline b2

.11does not deslgnate the OGe entity (NSLB/IlU/Hne

a orney/supervisor) deputy/GC) which provides review for b1E

~eY/5Upel'Visorl deputy/GC) which provides review for

those UDPs that do come to H.

those UDPs that do come to HQ•

L
L
does not address what is the basis of OGC/INSLB review• Ddoes not address what is the basis of OGCjNSlB review

100

ACLURM000086

UDP
UDPUDP

b2
b7B

):,2

bn

The o bwing category digs at held office level except forleve' except for

•. notice to sBac:
notice to SRC:

NI.
1

r
~ J

•
•• EEVerythrng
L else comes to OGeverything else comes to OGC

101
101101

ACLURM000087

    •nn•-n•nn•,-,-e•

,,_ UDP

UDPUDP

To date, the UDPs ~hich reach OG.=-..;C~-----.-,

'~• To date, the UDPs which reach OGC

bn.

genergylall into the cateciow_ofF_ b2

generall fan into the

b2
b7E

102

ACLURM000088

. UDP
UDPUDP

NSLB ROLE

C"~* NSLB ROLE

"Vor

<J-;; NSLB should oniYsee those UDPs

NSLB should only see those UDPs

that meet appropriate criteria, as

that meet appropriate criteria, as

determined by the field

determined by th.e field office:
office:office:

b2

b'7E

. ~

⁻...... .. . .

•..
127

)74
ACLURM000089

UDP
UDPUDP

NSLB ROLE

NSLB ROLE

NI1n011nIiin

132

b2

k.'72

b7£

E•—Limitations on what CFiS reporting agentIons on w a reportmg agent

I

memoria lizes~

memorializes:

b2
b2b2

)DTE

bTE

138

1:38
ACLURM000090

UDP
UDPUDP

]* NSLB ROLE

NSLB ROLE

Limitations on what cti-s r~porting agent

~Limitations on what CHS reporting agent

memorializes:

memorializes:

• Case file
ACLURM000091

~. CONSENSUAL MONITORING

CONSENSUAL MONITORING

.. _ ._ ....:-r

i-~

ACLURM000092

·CONSENSUAL MONITORING

,, CONSENSUAL MONITORING

Guidance found in:

Guidance found in

AGG-DOM Section VaA~4

AGG-DOM Section V.A.4

DIOG Sed;on Section 11.5

DMOG Section Section 11.5

ACLURM000093

CONSENSUAL MONITORING
Consensual Monitoring — Follow AGG-DOM
(V.A.4) DIOG (Section 11.5)
. Available (V.A.4; 11.5.1)
. OGC DOM 11.5.4.A.2
152 I
ACLURM000094
;~ CO:?n~:~~n:~i~= ~~~;:G~D~~NG
V.A~and 11~5) .
• Ava'iable in authorized investigation, but not
assessment (V~A~4i 11wS.l)
• CDC or OGe must review. (AGG-DOM V.A.4;
DIOG 11.S.4~A~2)
SECRET 152

b2
hiE.

CONSENSUAL MONITORING
• Approvals:
. AGG-DOM level of FBI approval necessary
except DO) approval needed in monitoring
circumstance. (V.A.4; 11.5.4.B.3)
• DroG adopted SSA approval standard. (11.5.4,A)
• needed, 11.5.4.13)
Sensitive monitorir circumstance -_DELL__
L
5E0' -9 1S3
gr'
ACLURM000095
"~~ CONSEN~~A~_~ONITORING
~'. • silent as to leve' approva\ e?,cept DOJ app'rova~ needed in sensitive man itoring
(V"A.4; 11.5a4.• DrOG approval standard. (11.5.4.A)
Other approvals may also be neededf depending on
circumstances. (11.5.4 .8)
• Sensit;ve monitori
153
b2
hiE

,N5c CONSENSUAL MONITORING
7311 Additional approvals:
Sensitive consensual monitoring
. INISD approval of sensitive consensual in
security -DOM DIOL
11.5.4. B.3)
Criminal division approval of sensitive consensual
criminal AGG -DOM DIOG 11.5A314)__
151
ACLURM000096
.r* ~?NSEN~UA~, ~ONITORING
ft . • mon itori ng
• NSD approval of sensitive consensual monitoring rn
national secur;ty case. (AGG -DOM V.A.4; DIOG
• divisJon approva' consensua I
monitoring in crimmal case. (AGG ~DOM V.A.4;
, 11.5.4.6.31 \
1S"l
b2
b7E

.d~_ CONSENSUAL MONITORING

CONSENSUAL MONITORING

J: sensitive-monitoring ~i;~umstance
Sensitive monitoring circumstance —

-
•• Investigation of congressperson, federai
Investigation of congressperson, federal

-judge, high level executive branch

judge, high level executive branch

member, state Governor/Lt. Gov/AG

member, state Governor/Lt.. Gov/AG

(AGG-DOM VII.O; DIOG 11.5.4.B.3 a-c).

(AGG-DOM VII.0; DIOG 11.5.4.B.3 a-c).

-
•• CH 5 who j5 a federaI prisoner 0 r in witness
CHS who is a federal prisoner or in witness

protection program — series of

protection program -series of

req u;rements for fieid office req uesting

requirements for field office requesting

monitor~ng (AGG-DOM VILO; DIOG

monitoring (AGG-DOM VII. 0; DIOG

11.5.4aB.3.d)~.

11.5.4.B.3.d).

ACLURM000097

~!;r;. CONSENSUAL MONITORING

CONSENSUAL MONITORING

~~ A

12.2

b2

1)7E

b7E:

I

1D.2

b2

.137E

b7E

•

•• Non-consenting party tocated in a US state which
Non-consenting party located in a US state which

requires two party consent
.. SAC approval for 01A — SAC can delegate approvalSAC approval for OIA -SAC can delegate approva ~ authority to MAC or SSA, (DIOG 11.5.43.2)

requires two party consent

authority to ASAC or SSA. (DrOG 11.5.4.6.2)

156
156156

ACLURM000098

OTHERWISE ILLEGAL ACTIVITY
ACLURM000099

OTA REQUIREMENTS
Guidance found in:
. DIOG Section 17
. AG Guidelines on FBI Undercover
. AGG-CHS Section V
. AGG-DOM Section V.0
ACLURM000100
'<~ alA REQ~I~REMENTS
• I
• DrOG Section • Operations (AGG-UCO) Section IV. H
• • AGG~DOM VIC
159
b2
blE

OIA REQUIREMENTS

~.OIA can~eI~~~~~~n~::~~::ence. OIA can be used to-obtain information or evidence

that is necessary for the success of an investigation

that is necessa_r{ for the suCcess ~f an investiga.tion

and when (DWG 17.1, 17.2, 17.6; CHSPM 103;and when (DIOG 17.1, 17.2, 17.6, CHSPM 10.31 AGG-
IJ   AOC-CHS V.B.2; 1989 01A Procedures

UCO N.H.{l); AGG-a-tS V.B.2; 1988 OIA Procedures

VII. A. 2..t B.l):
VII.A.2.1 B.1):
Information or evidence is not reasonably available

•
•• Information or evidence is not reasonably avail able
otherwise,_oror b2
otherwise

[ )37E

•
••

•
•• Necessary o prevent serious bodily injury or death,0 preven oily·injury or death,
ecessa ry serfous

J:J2

AND
ANDAND b?E

[E3

.~ I

• amust minimize its scope, to the extent possible.
.ut must minimize Its scope, to the extent possibJe.

161
161161

ACLURM000101

MA NOT ALLOWED
• for UCE CHS (A GG-CHS V.A.2; DIOL
17.7; AGG-UCO IV.H.(3); CHSPM 10.2;
1988 OIA Procedures VII.A13; AGGDOM
V.C.4):
. Acts of violence except self-defense.
. Acts which are unlawful if conducted by
law enforcement agent, including illegal
wiretaps or searches.
ACLURM000102
'i~L OIA NOT ALLOWED -;a~--------~~ ...... '"

.• Activities which may not be authorized
or AGG-CHS V.A~2; DrOG
IV.10w2;
OIA Procedures VIIMA~3; AGGDOM
V~C.4):
• • wh ich un lawfu l induding il1egaJ
wi reta ps sea rches I
~.
162.

OIA -PER AGG-DOM

OIA PER AGG-DOM

UCE OIA criminal:

• UCE OIA criminal:
• Foltow AGG-UCO. (AGG-DOM V.C.l; see
Follow AGG-UCO. (AGG-DOM 11.0.1; see

also DIOG, 17.3.8)

also NOG, 17.3.8)

•
•• CHS OIA criminal and national
security:
security:security:
CHS OIA criminal and national

. Follow AGG-C1-15. (AGG-DOM V.C.2; see

• FoUow AGG-CHS. (AGG-DOM V~C.2; see
also DIOL 17.4)

also DIOG 17.4)

~.

726 726
...:J.. OIA - PER AGG-DOM

OlA -PE~AGG-DOM

• UCE OlA national security (AGGUCE
OIA national security (AGG-

DOM V.C.3; see also DIOG 17.5):

DOM V.C.3; see also DIOL 17.5):

•

•• Very close~y tracks AGG-UCO, Section IV.H.(S)!
Very closely tracks AGG-1JCOISection IV.1-1.(5),

requirements for UCE crimlnal OIA as to list of

requirements for UCE criminal 01A as to list of

offenses·req uiring SAC approval on Iy but, unIike

offenses requiring SAC approval only but, unlike

AGG·UCO (which req uires eUORe and FBIHQ

AGG-UCO (which requires CUORC and FBINQ

approval in Certain cases), requ,res DO) approval

approval in certain cases), requires DOI approval

in certain cases.

in certain cases.

ACLURM000104

UCE OIA Criminal

UCE OIA Criminal

PERAGG-UCO

N.) PER AGG-UCO

.. f.~W

~;;:,.----------,~~

t1i!i~

UCE OIA criminal -·SAC can approve

% UCE OM criminal SAC can approve

•

(AGG -UCO IV.H.(S)(a)):

(AGG -UCO IV.H.(5)(a)):

•
•• Conduct would be misdemeanor under federal, state, or
Conduct would be mlsdemeanor under federal, state, or

local law.

loca' law.

• Consenonitof
• Consensual :ODltori::
•1
:[LCOntrolled :Ivery 0 :rU9S.

• nrraed—dWifer-y ordraW
•
•• Payment of bribes in non-sensitive circumstances.
Payment of bribes in non-sensttlve circumstances.

•
•• Making false representations to third parties to conceal
Making fa lse representations to th(rd patties to conceaI

personal identity or true ownership of a proprietary.

personal identity or true ownership of a proprietary.

Conducting five or fewer money laundering transactions
worth $1 million or less. (see DIOG 17.5)(see DIOG 17.5) .

•
•• Conducting five or fewer money laundering transactions
worth $1 minion or less.

166

ACLURM000105

UCE OIA Criminal

UCE OIA Criminal

PER AGG-UCO

PER AGG-UCO

UCE OIA criminal _E
• Conduct which w9u1d1;le felony urbier_federal-
state or local law [
ircrricracrivnicn invbi c of vlo• 1I ns V\O oncees s'gm ~can a ence
b2
b7E

or physical Injury requires Director/DD/or EAD and

or Rhysicar Injury requ[res Director/DD/or EAD and
CUORC approval. (see DIOG 17.3.B.2) ..

eUQRe approva~. (see DIOG 17.3.8.2)

•
•• In emergency, should try to obtain oral approvalsIn emergency, should try to obtain oralapprovals

but if not possible, UCE may engage in CIA

but if not possible, UCE may engage in ClA

without advance approval. Notify SAC, FBIHQ and

without advance approvat. Notify SAC1 FBIHQ and·

Undercover Review Committee as soon as possible

Undercover Review Committee as soon as possible

thereafter. (see WOG 17.8)

thereafter. (see DrOG 17.8)

16?

167

ACLURM000106

UCE OIA National Security

UCE OIA National Security

PER AGG-DOM

""* PER AGG-DOM

do

~• UCE 01A national security — NSD must-NSD must

UCE OIA n~tionalsecuritY

approve all OlA· except that SAC can

approve all OTA except that SAC can

approve (AGG-DOM V~C.3):

approve (AGG-DOM V.C.3):

Conduct would not be a felony under federal,

•
•• Conduct would not be a felony under federal,
state, local, or tribal law.

stateJ 'oeal, or tribal law.

Consensual monitoring (but if sensitive

•
•• Consensuai monitoring (but if sensitive
circumstance, need DO] NSD approval; see AGG

circumstance, need DOJ NSD approva'; see AGG

DOM VA4; DIOG 17.5.B).

DOM V.A.4; DrOG 17.5.B).

Controlled purchase of drugs, stolen property,

•
•• Controlled purchase of drugs, stolen propertyI
other contra band.

other contraband.

ACLURM000107

OIA Security
PER AGG-DOM
UCE OIC. security cont.):
• Payment of bribes.
Making false representations to conceal
or, true ownership of proprietary.
• Money laundering not exceeding $1 million.
(see DIOL 17.5)
ACLURM000108
UCE National ",llt d.~ UCE OIA national se~~~ity - SAC can
approve (cant.):
bribes.
• M aki ng fa 1se co nceal
identity or, million.
DIOG 169

Security

01A national security DOM V.3):

. must approve activity involving:

. Violation export control . Proliferation • theory, under AGG-ViC.SAC material support QIA be established by DO].

. Such guidelines failed to allow SAC to approve any material
support OIA, Instead:

. In emergency ,tao uld try to obtain ora approvals but it not
tizsnagm engage in QIA without advance approval.

7

ACLURM000109

UCE OIA National Security

. PER AGG-DOM

. UCE CIA nationa I security (AGG-OOM v. C. 3) :

• NSD mlJst approve actlvity involving:

• Vio'atio n of expo rt co ntr~ laws.

• Prollferatfon of WMD.

• In theory, under AGG·DOM V,C.3, SAC can approve UCE
SUPRort OIA under guidelines to agreement of FBI and DOJ. .

• failed to allow to approve su ott OIA Instead~

170

b2

b7E.

CHS OIA Criminal

CHS OIA Criminal

and National Security

t~--;,j~~>__a_n_d_N_at_io_n_~!__Security

"IA

0754

'. Two tiers of offenses

• Two tiers of offenses -

•

•• TierTier 1 I11 11
n2

t7E

I

Tier 2 -• Tter 2 -I
175
175175

ACLURM000110

CHS OIA Criminal

National .• Two . Tier

• Tier

176

and National Security

• Two tiers of offenses:

• 11

l~~ _____ ~r

~ I

I· I

bZ

:tJ1E .

176

~.

CHS OIA Criminal

CHS OIA Criminal

and National Security

.~ and Nation~I_Security

Tier 1 — DefineDefine~c[J

• Tier 1 1

b2

Any activity that would constitute a b7E

•

•• Any activity that would constitute a
misdemeanor or felony under federal,

misdemeanor or felony under federa I,

state, or local law (see alscl_

state; or local law (see alsq

I....--_----Il and involves one of tL-h-e-::-fo~n-ow---::i-ng-:

and involves one of the following:

177

CHS OIA Criminal

. CHS OIA Criminal

and National Security

'!k and Natio~~~ Security
b2
Tier 1 — Defined b7E

•
•• Tier 1 -Definedl 1-.
cant.: .

cont.:

And invo'ves

• And involves -
b2

bn

178
178178

ACLURM000113

CHS OTA Criminal

CHS OIA Criminal

and National Security

and National Security

-. 'Tier 1 -Defined [,

i Tier 1 — Defined

• p. nrl invnlvpc:: ..
And in

•

b2

D78

_
- cont.:,~ cant.:

M
b7£

b2

bn

179

ACLURM000114

--------------.---.

CHS OIA Criminal

CHS OIA Criminal

and National Security

..~'~.f,~1m, and National Security

~. .'.i. I, .

.:~ b2

~I +:..-.. ~

1-
1b7E

-r'iier 1 -Definedl

IL Tier 1 Defined

cant.:

cont.:

b2

bn

b2

hiE

0

ACLURM000115

._._----------

CHS OIA Criminal

CHS OIA Criminal

and National_ Security

and National Security

4'1 Ft-d.
:ttH?----------.-~-.-.-..

•
•• Tier 2 - Defined-Definedb
b2
Tier 2

-I

•
any other activi that would constitu a misdemeanor orany other acttvi that would conStliute a misdemeanor or ME
felony under federal, state, or local law if en aced
felony under' federal, state, or local law If en~~ged in
inin by
byby a
aa

acting without authorization (see also

I ~·""""""'I acting without authorization {see also

•

b2
ME

•

•

1E11

un

ACLURM000116

s
CHS and UCE OIA

'"f{'\~

··<'n~1i

hI

b2

b7E

. Tier 1 — any activity that is federal crime or felony or serious

• -ner 1 -any activity that \s federal crlme or felony or serious

crime under state or loca' law:

crime under state or local law:

b2
b7E:

L

• Exceptlonj
. Exception

I

164

184

ACLURM000117

_·_----

CHS and UCE OIA

bl

.-Tier L — ally activity mat   611ZETTORTFOr serious•
crime under state or loca~ 1aw:

crime under state or local law:

b2

b7E

1E5

185

ACLURM000118

--------------_._-------

OIA FOR CHS

OIA FOR CHS

k-r

-In-heal—V,-

a
Written findings by approving authorities(found ink   'that

1

. see also•
,N‹
ACLURM000119

OIA FOR CHS
ust consider
the following
. See als1
190
ACLURM000120
------ _ .. _----
• See al
------_. . _ .. -
b2
b7E

-----_.-----_._._.__.. _-

EMERGENCY OTA

• Emergency authorization for CHS to en age in 01A in
Emergency authorization for CHS to en~ge in OlA jn

criminal and national security cas   lying

criminal and national security caS~5 Wi~~!;~PIYing

.lMithit ~nrl Im~ntation requ;rements 1D2

dnriimrtation requirements b2

.137E

b7E

L I I

-----'

.b2
.b2.b2

b72.

b7£

b2

b7E

b7£

J,'~

EMERGENCY OIA

=*
EME~G~NCY OIA .

•
Emergen«:y authorization for UCE to engage tn
OTA in national security clases without noth iing. . 9 b2
g Emergency authorization for UCE to engage in

OIA in nabonal security
I

bTl!:

FBI in situation involvinW

FBI in situation invo'vin

• must a repaed as soon as possibie
DO1
as soon as poss and
—to-f-tithQ andand

ACLURM000122

• Ambiguous as or it allows tor OIA witnout
noticetaia___• Am piguous as to w

•
EMERGENCY OIA

'~:'.' EMERGENCY OIA

,.,~-------=:;;;;",;"""""",~--=~;"':"""';:"""'::"'---=:""::':'---

bl

~ S) .... ..,~.,.-"-

S)

112

b2

h7E

b1E

200
200200

ACLURM000123

_._--------_.__._-_._--

EMERGENCY OIA

:da E.ME~~NCY OIA

•
•• Emergency authorizat;on for ET CHS to engage
Emergency authorization for ET CHS to engage

in OTA in criminal and natnnaLscirliritv

in OIA in criminal and natIonal secIJ[it.'il cases
casescases

_18/4out notifying the FBI

~outnotifying the FBI I .

201

---------_._-_..

--------------._.-----

EMERG-ENCY OIA

EMERGENCY OIA

~-----------.~"..
~rd·1 ...:-1_

•
•• Emergency authorization for domestic UCE to
Emergency authorization for domestic UCE to

engage in OlA in criminal and nationa' security

engage in 01A in criminal and national security

cases without notifying the FBI (DIOG 17.8):

cases without notifying the FBI (DIOG 17.8):

ItWithout prior approva~ [a llCE] may engage in [emergency]

• "Without prior approval, [a LIM may engage in [emergency]
01A, In such a case, prior to engaging in the OIA, every effort

OIA. In such a case prior to engaging in the OIA, every effort

should be made by [the UC0E to consult with the SAC, and

shou Id be made by tthe u~cto consult with the SAC, and by
byby
the SAC to consult with [0   unless the ctrcumstances

the SAC to consult wlth [0 unless the circumstances
preclude such consultation, ases in which OIA occur pursuant

predude such consultation. ases in which OIA occur pursuant
to this paragraph without the authorization required must be

to this paragraph without the authorlzatlon r~uired must be

reported as soon as_possible to the SAC, and by the SAC to

FBIHQ, and to [DO) .n

FB:11-1Q, and to [D01]."

-~

ACLURM000125

I QUESTIONS?
• NSLB•
b2
b2b2

b6

1.7C

b7C

•

203

ACLURM000126