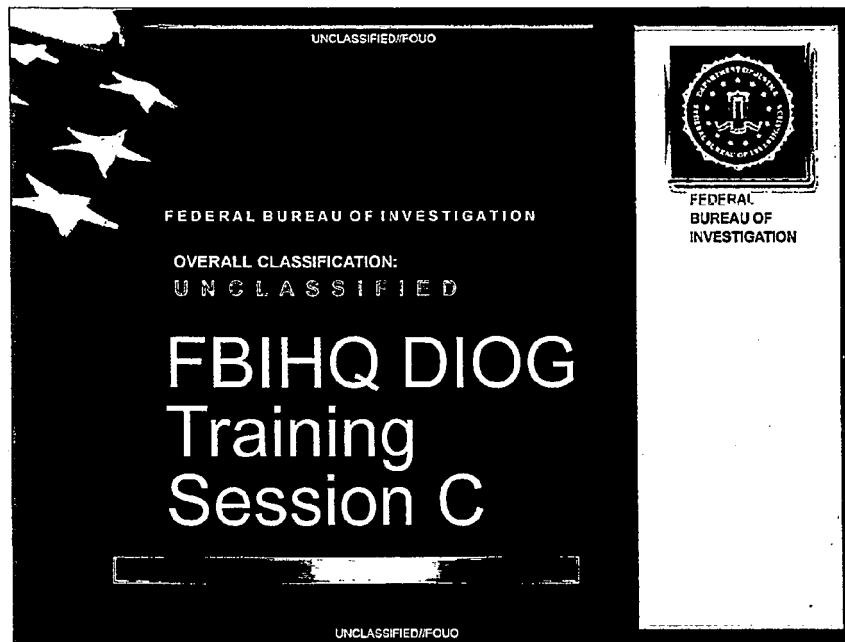






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DIOG Section 5: Assessments

A new type of activity formed by combining:

- "threat assessments" from the former AGG for FBI National Security Investigations and Foreign Intelligence Collection
- the "prompt and extremely limited checking of initial leads" allowed under the former AGG on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations

Assessment activities:

- must always be based on an authorized purpose
- require specific work flows for management and documentation (FD-71, Assessment Files,)

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DIOG Section 5: Assessments

Before initiating or approving an assessment, an FBI employee or approving official must determine whether:

- An authorized purpose and objective exists to conduct the assessment
- The assessment is based on factors other than the exercise of First Amendment activities or the race, ethnicity, national origin or religion of the subject
- The assessment is an appropriate use of personnel and financial resources

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DIOG Section 5: Assessments

FIRST AMENDMENT RIGHTS:

Individuals or groups who communicate with each other or with members of the public in any form in pursuit of social or political causes—such as opposing war or foreign policy, protesting government actions, promoting certain religious beliefs, championing particular local, national, or international causes, or a change in government through non-criminal means, and actively recruit others to join their causes—have a fundamental constitutional right to do so. An assessment may not be initiated based solely on the exercise of these First Amendment rights. If, however, a group exercising its First Amendment rights also threatens or advocates violence or destruction of property, an assessment would be appropriate

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DIOG Section 5: Type 1 and 2 Assessments

Investigative Methods in Type 1 and 2 Assessments require higher supervisory approval:

- Physical surveillance
- Certain interviews
- Tasking CHSs

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As of May 19, 2009

6

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DIOD Section 5:

Type 1 and 2 Assessments:

Investigation	Purpose	Duration	Documentation	Approval	Justification Review	SAC	Responsible Entity
Type 1 Addresses existing violations of federal criminal law or threats to the national security	As long as necessary (objective, no time limit)			Any employee can take; SSA or SIA	Every 30 days	CDC review, SAC approval	Investigative Squad
Type 2 The involvement or role of individuals, groups, or organizations in such activities (if 1 above)	As long as necessary (objective, no time limit)			Any employee can take; SSA or SIA	Every 30 days	CDC review, SAC approval	Investigative Squad

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DIOG Section 5:

Type 1 and 2 Assessment Example

- What would you do with this information?

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Teaching Point: Individuals or groups who communicate with each other or with members of the public in any form in pursuit of social or political causes—such as opposing war or foreign policy, protesting government actions, promoting certain religious beliefs, championing particular local, national, or international causes, or a change in government through non-criminal means, and actively recruit others to join their causes—have a fundamental constitutional right to do so. An assessment may not be initiated based solely on the exercise of these First Amendment rights. If, however, a group exercising its First Amendment rights also threatens or advocates violence or destruction of property, an assessment would be appropriate. DIOG 5.3

Assessments may not be initiated based solely on the exercise of 1st Amendment rights. People have the fundamental right to actively recruit others to join their cause as long as it's lawful activity. No investigative activity, including preliminary investigations, may be taken solely on the basis of activities that are protected by the First Amendment or on the race, ethnicity, national origin or religion of the subject. DIOG 5.1

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If this information is entered into Guardian, is there anything else that could be done with it before closing it? If appropriate and there is a purpose for doing so, e.g., the employee wants to know more about the son who sent the email, an FBI employee could conduct internal (FBI) or other U.S. Government database checks to which they have access without opening an assessment.

Does it matter how old the son is? Yes, this can be considered as a factor in the evaluation of the facts. Can the mother be re-contacted for additional information without opening an assessment? Yes, clarifying interviews that stay within the confines of the original complaint may be conducted without opening an assessment.

DIOG 5.1 An FBI employee can search historical information already contained within: (i) FBI data systems; (ii) United States Intelligence Community (USIC) systems to which an FBI employee has access (e.g., [redacted]); (iii) any other United States Government database to which an FBI employee has access; and (iv) the FBI employee can also conduct open-source Internet searches without initiating an assessment (open-source Internet searches do not include any paid-for-service databases such as Lexis-Nexis and ChoicePoint). This allows the FBI employee to possibly resolve a matter without the need to conduct new investigative activity or open an assessment. However, the use of paid-for-service databases cannot be accessed before initiating an assessment or a predicated investigation.

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DIOG Section 5: Type 1 and 2 Assessment Example

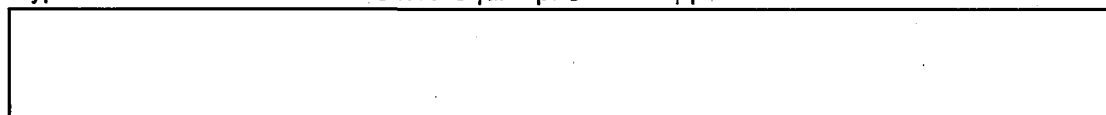
- What can the agent do with this information?

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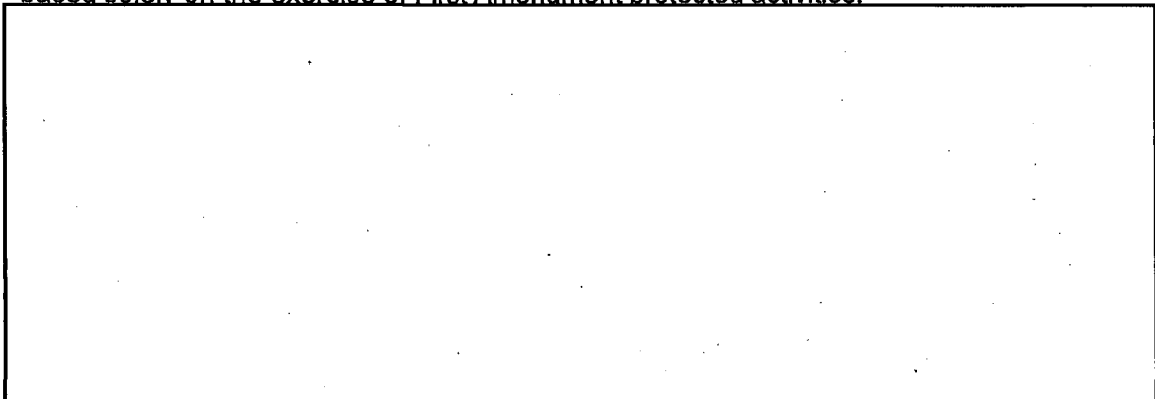
Teaching Point: Type 1 Assessments are initiated when we are seeking information proactively or in response to other information constituting federal criminal activity or threats to the national security. In order to initiate a Type 1 Assessment you must have an authorized purpose and a clearly stated investigative objective; it must be based on factors other than 1st Amendment activities, race, ethnicity, national origin or religion; and the assessment must be an appropriate use of personnel and financial resources. Type 1 and 2 Assessments do not require prior SSA approval to initiate.

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DIOG 5.1 Although "no particular factual predication" is required, the basis of an assessment cannot be arbitrary or groundless speculation nor can an assessment be based solely on the exercise of First Amendment protected activities.

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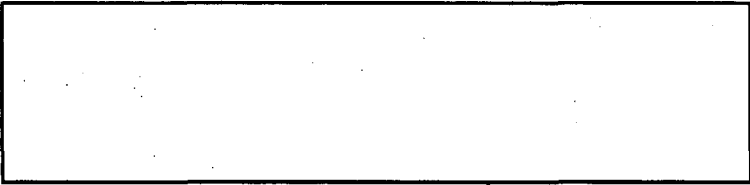


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DIOG Section 5: Type 1 and 2 Assessment Example

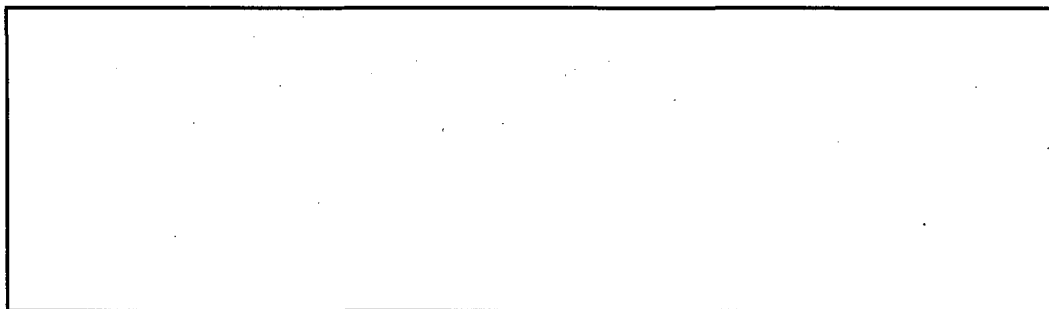


- What action will you take?

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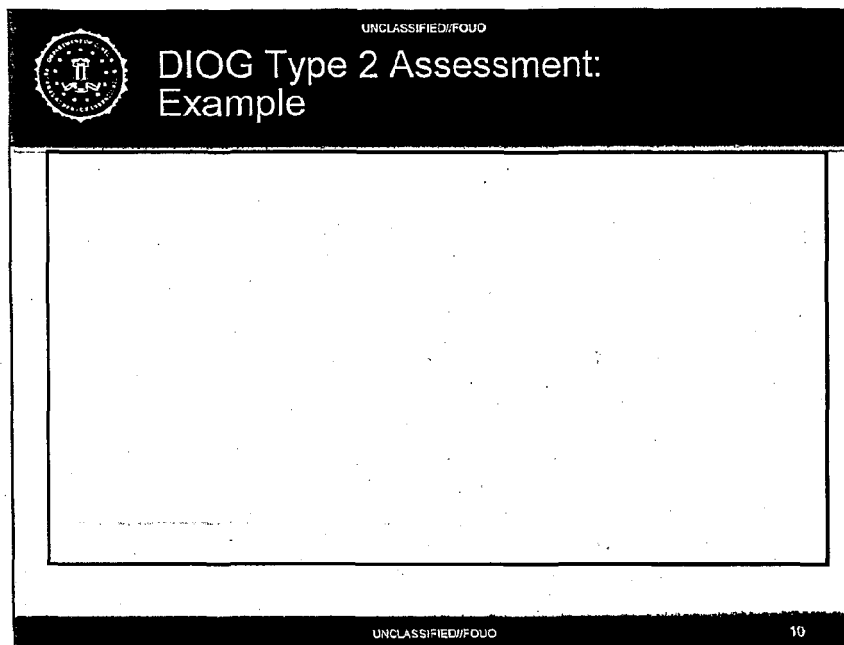
Teaching Point: Type 2 Assessments are opened when we are seeking information proactively or in response to other information relating to the role of individuals, groups, or organizations in criminal activities or threats to the national security. In order to initiate a Type 2 Assessment you must have an authorized purpose and a clearly stated investigative objective; it must be based on factors other than First Amendment Activities, race, ethnicity, national origin or religion; the assessment is an appropriate use of personnel and financial resources. Type 1 and 2 Assessments do not require prior SSA approval to initiate.



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DIOG 5.6 A 1, 2

Based on the reliability of the source, you may consider opening a PI.



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Teaching Points: You do not have to start with the initiation of an Assessment. The facts can warrant the opening of a predicated investigation, (either Preliminary or Full Investigation). Additionally, The facts of each case dictate the type of investigation you initiate as well as the methods of investigation. Is T&T an appropriate method under these circumstances? The least intrusive means standard is required by the AGG-DOM and **DIOG 4.4.A**, it requires that the "least intrusive" means or method be considered and, if operationally sound and effective, used to obtain intelligence or evidence in lieu of a more intrusive method. In this case, a more intrusive method may be needed based on the seriousness of the criminal activity and the potential harm to the victim. In this example, the intrusiveness question does not really come into play if the parents consented to the pen register.

An emergency pen register must be approved by DOJ.

DIOG 11.11.4 B.3 If approval has not been obtained within 48 hours the installation of the pen register/trap and trace must be terminated.

In this particular investigation, there were indicators that that teacher and student left the state, which invokes the federal nexus.



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FD-71: Overview

- FD-71 is used for:
 - Complaint Intake
 - Documenting Type 1 and 2 assessments (per the DIOG)
 - NOTE: [REDACTED]
 - Opening a predicated investigation (PI or Full) based on the results of an assessment
[REDACTED]
- Users of the form:
 - Originator: Any complaint originator
 - Supervisor: SSA or SIA who can assign an assessment
 - Agent/Analyst: Any employee who is authorized to conduct assessment investigative activities
 - CDC/ADC: [REDACTED]
 - ASAC/SAC: [REDACTED]

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11

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FD-71: Opening a New Form

Website:
home/forms/fd71

Click open a blank FD-71 to begin

Investigators & Supervisors can view their FD-71s here.

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FD71: Help Information

- Form owner: CPO
- FAQ:

- User Guide:

- CPO Contact Information:

– Customer Support:

– Forms Management:

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17



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AGG DOM and Guardian

Guardian has been modified to coordinate with the 12/1/08 implementation of the new Attorney General Guidelines for Domestic FBI Operations (AGG-Dom)

There have been four changes in Guardian:

Guardian incidents once assigned with an authorized purpose and objective are considered

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18

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Teaching Point:

It should be stressed once a Guardian incident is assigned an authorized purpose and objective, it is considered a

Matters not assigned are not considered Assessments.

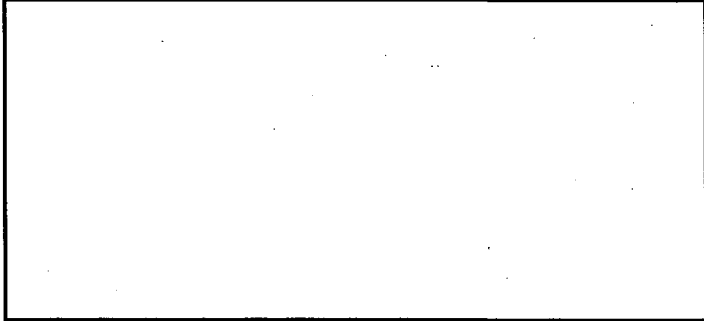
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Guardian Policy

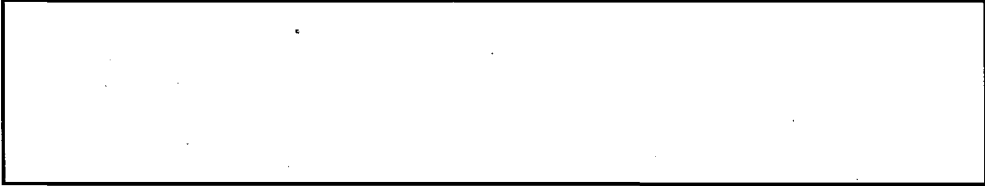
Information NOT permitted in Guardian:



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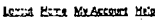
Teaching Point: This is a reinforcement of existing Guardian policy. The



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 Guardian: 

 GUARDIAN TRAINING    



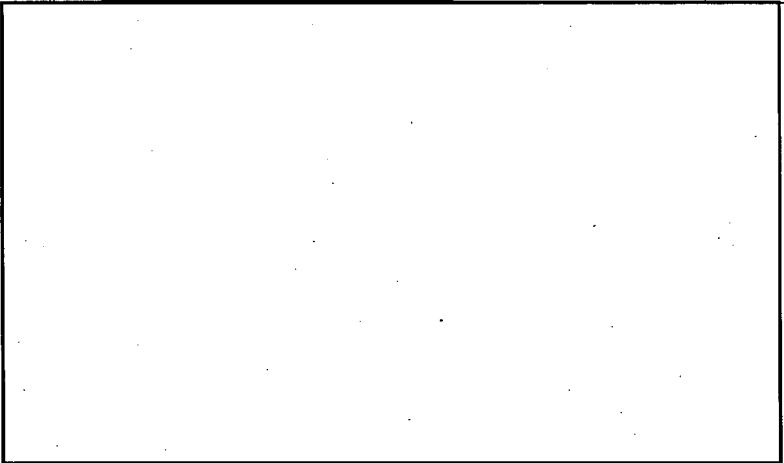
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Teaching Point: 


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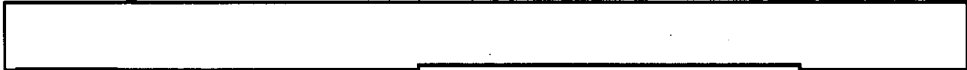
 Guardian: 



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Teaching Point:



 the Guardian Help Line 

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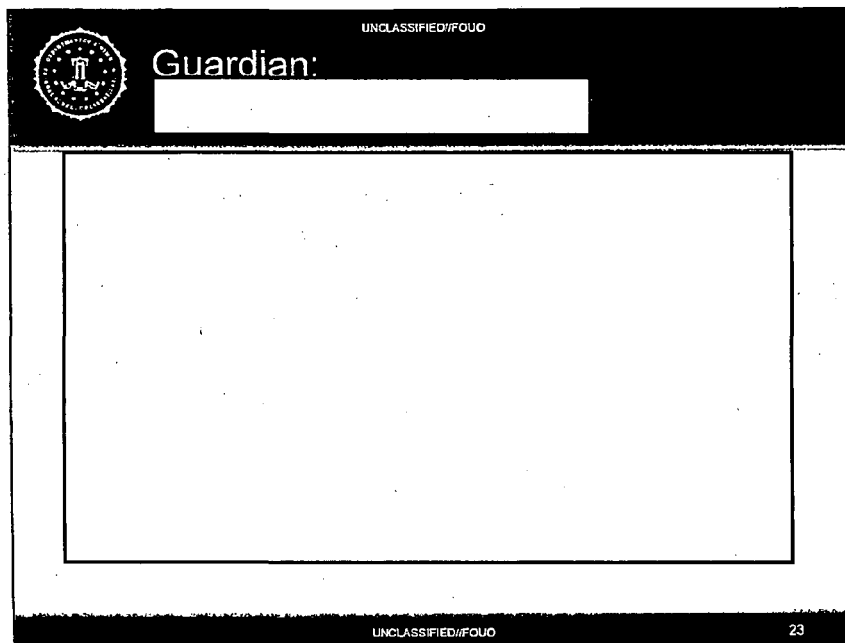
Guardian: Sensitive Investigative Matters

- Investigations and Assessments are deemed "Sensitive Investigative Matters (SIMs)" when they involve activities of:
 - A domestic public official (involving corruption or national security threat)
 - A political candidate (involving corruption or national security threat)
 - A religious or political organization, or individual prominent in such
 - News media
 - Matters having an academic nexus
 - Any other matter which should be brought to the attention of FBIHQ or DOJ, in the judgment of authorizing official
- SIMs Require Chief Division Counsel (CDC) review, SAC approval and notice to appropriate HQ Section/Unit

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22

Teaching Point: Regarding the first change in Guardian, here is a reminder of what constitutes a Sensitive Investigative Matter.



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Teaching Point: The last two changes in Guardian appear on the Disposition page. First is the

[Redacted]

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(Awaiting Guardian updates to change from

[Redacted]

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Type 3 Assessments

Investigation	Purpose	Duration	Documentation	Approval	Justification Review	SIM	Responsible Entity
Type 3	Assess the effectiveness of the Department's internal controls and identify areas for improvement.	Completed: 12/15/08 Submitted: 12/15/08		Approved by: [Signature] Date: 12/15/08	Reviewed by: [Signature] Date: 12/15/08	900-800-0000	

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As of May 19, 2009
24

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DIOG: Section 5.2 – 5.6



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Type 3 Assessment: Authorized Purpose & Objective

The authorized purpose of a Type 3 assessment is to obtain information on an identified potential threat or vulnerability in your domain.

The objective is to seek answers relating to the potential threat and vulnerability. [REDACTED]

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25

Teaching Point: [REDACTED]

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Type 3 Assessment: Key Points

- Opened based upon a potential identified threat or vulnerability
- One assessment file per threat or vulnerability identified
- Must initiate a separate assessment if active collection falls out of the purview of an open assessment or predicated case
- Incidental collection does not require opening a Type 3 assessment, but can be reported out of the case it was collected in

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26

Teaching Point: Type 3 assessments require supervisory approval and an EC for opening. Type 3 assessments

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Both

FIG's and Field Office substantive operational squads or FBIHQ units can initiate Type 3 assessments.

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Type 4 Assessments

Investigation	Purpose	Duration	Documentation	Approval	Justification Review	SAC	Responsible Entity
Type 4	Obtaining information to inform or facilitate intelligence analysis and planning	As long as necessary to achieve purpose and objective; No time limit		Prior SSA or SIA Approval	Every 90 days, if probationary employee, every 60 days	CDC review; SAC approval	

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27

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Teaching Point: Type 4 Assessments are

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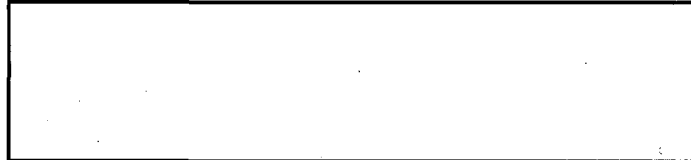
Type 4 assessments require prior SSA or SIA approval and the authorized purpose and objectives documented in the opening EC.



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Type 4 Assessment: Key Points

- The authorized purpose of a Type 4 assessment is to obtain information to inform or facilitate intelligence analysis and planning.



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28

Teaching Point:



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Type 4 Assessment: Key Points

- One file per assessment
- Must have authorized purpose and objective
- SSA/SIA approval needed to initiate
- CDC review/SAC approval for Sensitive Investigative Matters
- Subjected to 90 day file review

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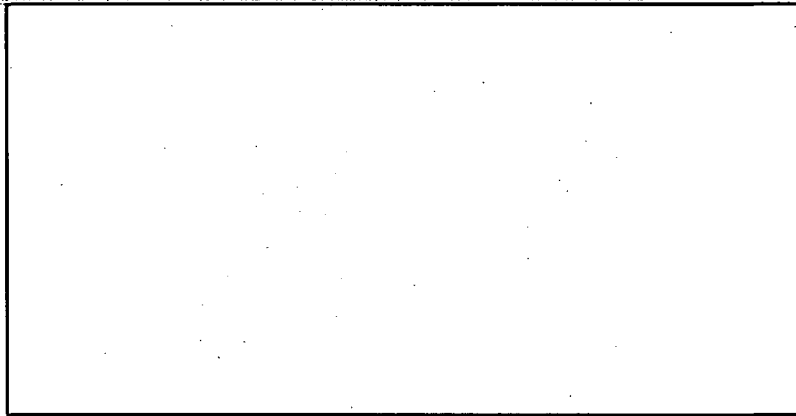
29

Teaching Point: All investigative methods authorized during assessments are permitted in Type 4 assessments.



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Type 4 Assessment: Scenario



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30

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Teaching Point:

[Redacted box]

[Redacted box]

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Type 5 Assessments

Investigation	Purpose	Duration	Documentation	Approval	Justification Review	SM	Responsible Entity
Type 5	Identify, assess, validate or maintain the cover or credibility of a CHS	CHSPM and AGG-CHS		CHSPM and AGG-CHS	CHS Manual	Not addressed in DIOG Follow CHS Manual	FIG or Investigative Squad

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As of May 19, 2009

31

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Type 5 Assessments: Key Points

- **Two Distinct Activities**
 - Seeking information on a potential [redacted]
 - [redacted]
- **Limited techniques**
 - The [redacted] created for three purposes
 - Allow for an IA to do a [redacted]
 - Interim ACS solution until CHSPM is updated and approved (Difference between CHS and Type 5)
 - HUMINT Squad broad based recruitment

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32

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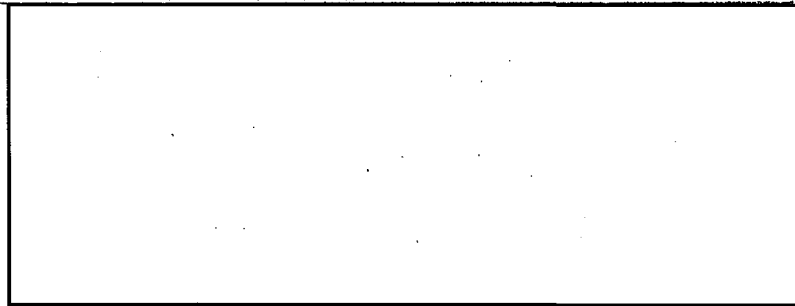
Teaching Points: On 12/3/08, "interim" policy was issued to establish the following are the only investigative methods that may currently be used in conducting Type 5 Assessments. However, the DI is working on comprehensive policy regarding the use of Type 5 Assessments in the CHS program.

1. Obtain publicly available information
2. Access/examine FBI & other DOJ records and obtain information from any FBI or DOJ personnel
3. Access and examine records maintained by and request information from other federal, state, local, tribal or foreign government entities or agencies
4. Use online services and resources (whether non-profit or commercial)
5. Interview or request information from members of the public and private entities
6. Accept information voluntarily provided by government or private entities
7. Engage in observation or surveillance not requiring a court order



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Type 5 Assessments: Key Points



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33

Teaching Points: On 12/3/08, "interim" policy was issued to establish the following are the only investigative methods that may currently be used in conducting Type 5 Assessments. However, the DI is working on comprehensive policy regarding the use of Type 5 Assessments in the CHS program.

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2. Access/examine FBI & other DOJ records and obtain information from any FBI or DOJ personnel
3. Access and examine records maintained by and request information from other federal, state, local, tribal or foreign government entities or agencies
4. Use online services and resources (whether non-profit or commercial)
5. Interview or request information from members of the public and private entities
6. Accept information voluntarily provided by government or private entities
7. Engage in observation or surveillance not requiring a court order



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DIOG Section 9: Foreign Intelligence

Investigation	Predication	Duration	Documentation	Approval	Justification Review	SIM	Responsible Entity
PFI Full	Investigation may obtain foreign intelligence that is responsive to a foreign intelligence requirement	Until the requirement is met; No time limit	EC	Prior DIOGAS notice to DOJ/NSO within 30 days	Every 90 days, if probationary employee, every 60 days	CDC Review, SAC Approval, Section Chief approval	☐

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As of May 19, 2009

34



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DIOG Section 9: Foreign Intelligence

- **Foreign Intelligence** is "information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations, or foreign persons, or international terrorists."
- A **Foreign Intelligence Requirement** is a collection requirement issued by USIC and accepted by the FBI DI. Foreign Intelligence Requirements from the USIC fall into two categories which are
 - **FBI Requirements** are those that address national security issues that are within the FBI's core national security mission
 - **Positive Foreign Intelligence Requirements** are those that address the military, economic and foreign relations concerns of foreign governments, which are within FBI's responsibility as part of the USIC but are not directly related to national security concerns

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35



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DIOG Section 9: Foreign Intelligence

- Requirements in the first category that are accepted by the DI as "FBI Requirements" will be worked within a properly authorized Type 3 Assessment or incidental to a predicated case worked by a substantive squad.
- Foreign Intelligence Requirements that fall into the second category will be worked exclusively under case

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36



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DIOG Section 9: Positive Foreign Intelligence

- Positive Foreign intelligence (PFI) collection in the FBI is a requirements-based activity
- Under the AGG-Dom, there are two categories of "authorized activity" under which PFI may be collected:
 - a (non-predicated) Assessment relating to "a matter of foreign intelligence interest" responsive to FI requirements
 - a Full Investigation predicated on an FI requirement
 - *Both must be requirements-based and approved by FBIHQ DI*
- In collecting FI, the FBI will generally be guided by nationally-determined intelligence requirements, including the National Intelligence Priorities Framework and the National HUMINT Collection Directives, or any successor directives issued under the authority of the Director of National Intelligence

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37

Teaching Point: Further explain difference between foreign intelligence and positive foreign intelligence



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PFI Full Investigations

- Used when a collection capability (source) is established or positively identified.
- PFI requirement must have been accepted by the FBI as the agency with "primary" collection responsibility.
- The authorized purpose must be documented in the opening EC (see [redacted])
- Must be approved in advance by DI, CMS, CPMU - Files opened by the Field Office.
- Sensitive PFI matters require field office CDC review, SAC approval & CMS Section Chief approval.
- [redacted]
- Approval EC from CPMU will contain explicit directions regarding the approved PFI investigation title, requirement, etc.
- No duration limit for PFI full investigations.

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38



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Privacy Act / USPER Considerations

[Redacted]

- Avoid identifying individuals (USPERS) in PFI files unless ID is essential to satisfy the collection requirement.
- If you must ID U.S. persons (covered by the Privacy Act) limit any/all identifying info to basic identifiers.
- If you must ID U.S. persons (covered by the Privacy Act) [Redacted]
- Utilize [Redacted] or a Type 5 assessment to record information about prospective or potential sources, etc.

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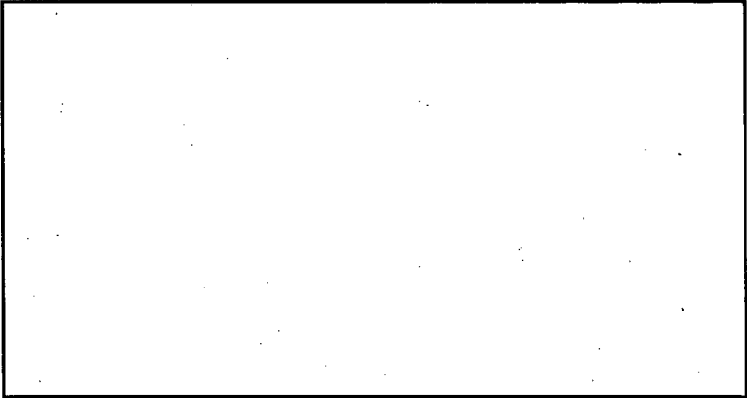
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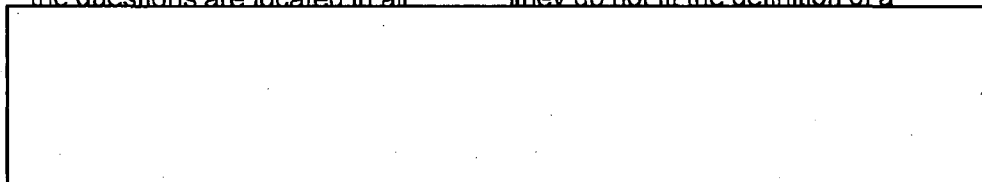
DIOG Section 9:
Example



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Teaching Point: A PFI Assessment or Full should **NOT** be opened. Although the questions are located in an [redacted] they do not fit the definition of a



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authorized under an Type 3 Assessment in response to a National Requirement [redacted]

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**DIOG Section 9:
Example**



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Teaching Point: Preliminary investigations for the sole purpose of collecting positive foreign intelligence are **NOT** authorized. New York may open a full investigation.

New York may request to open either: a Type 6 Assessment, or a PFI full investigation. CPMU would approve a PFI full investigation based on NY's assertion that it has sources who are willing and able to report on the requirement.



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Type 6 Assessments

Investigation	Purpose	Duration	Documentation	Approval	Justification Review	SIM	Responsible Entity
Investigation	Assess the effectiveness of the current security posture of the system.	As of 05/19/2009		Approved by SSA and SIA and FOD/AS/AS/AS	Every 60 days, V. necessary	COC Review, SAC Approve	

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As of May 19, 2009

42



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Type 6 Assessments: Key Points

- Must be approved by DI/CPMU.
- PFI is FI that is not directly related to the FBI's core national security and law enforcement missions.
- If FI can fall under one of the substantive programs (IT,DT,CD,CYB,CID,WMD) then it is not PFI.
- [REDACTED]
- One Type 6 assessment file per USIC Requirement
- Incidental collection does not require a Type 6 assessment opening and can be reported out of the case it was collected in
- [REDACTED]

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43

Teaching Point: [REDACTED] used for Type 6 assessments are country specific. Each assessment must have an authorized purpose documented in opening EC.

Collection priorities are primary—collecting incidental to the investigations/assessments will not be a priority.

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Type 6 Assessments: Authorized Purpose and Objective

The authorized purpose of a Type 6 assessment is to obtain positive foreign intelligence that is responsive to a USIC foreign intelligence requirement that the FBI has been designated as a primary collector.

The objective is to seek answers relating to the USIC foreign intelligence requirement that the FBI has been designated as a primary collector. The objective should define the scope, time and manner to achieve the underlying purpose.

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44

Teaching Point: Type 6 Assessments are used to determine whether the FBI has the ability to collect information on the approved Foreign Intelligence requirement. Once that capability has been established, a Full PFI may be approved.



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DIOG Section 15: Intelligence Analysis and Planning

- **Overview:** Authority for planning and developing intelligence analysis to support the intelligence functions and missions of the FBI is incorporated in AGG-Dom, Part IV. This section elaborates upon the means by which the investigative assessments outlined in AGG-Dom, Part II are authorized for the FBI to undertake in executing its mission to discover and avert criminal threats and threats to US national security
- The term "assessment" as used within the DOJ to describe aspects of investigative activity should not be confused with the intelligence community use of the same word to describe intelligence analysis products such as an intelligence assessment

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45



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DIOG Section 15: Intelligence Analysis and Planning

- **Strategic Planning and Analysis:** The FBI is authorized to develop overviews and analysis of threats to and vulnerabilities of the United States and its interests in areas relative to the FBI's responsibilities. The FBI employs the following methodologies to identify, target and assess these threats:
 - Domain Management
 - Collection Management
 - Written Intelligence Products
 - Geospatial Intelligence (GEOINT)

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46



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DIOG Section 15: Intelligence Analysis and Planning

- **Domain Management (cont.):** Domain Management is undertaken at the Field Office and national levels. All National Domain Assessments must be coordinated in advance with the Directorate of Intelligence. All information collected for Domain Management must be documented in
- **Collection Management:** A formal business process through which Intelligence Information Needs and Intelligence Gaps (e.g., unknowns) are expressed as Intelligence Collection Requirements (questions or statements requesting information), prioritized in a comprehensive, dynamic Intelligence Collection Plan.

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47



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DIOG Section 15: Intelligence Analysis and Planning

Written Intelligence Products: The FBI produces written intelligence products which represent the results of collection efforts in the field (raw intelligence) and analytic judgments made from the compilation and synthesis of relevant raw intelligence (finished intelligence).

US Person Information: Information regarding US persons is not to be included in intelligence products if the pertinent intelligence can be conveyed without including identifying information. An exception would be if the context for usage is publicly accessible information, i.e., the white powder anthrax letter addressed to Senator Tom Daschle in October 2001.

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48



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DIOG Section 15: Intelligence Analysis and Planning

Such reporting information is typically captured in Intelligence Information Reports (IIRs), FD 302s and ECs.

the Intelligence Bulletin (IB), Intelligence Assessment (IA) and Special Event Threat Assessment (SETA). Domain Assessments and briefings can also represent finished intelligence products.

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49

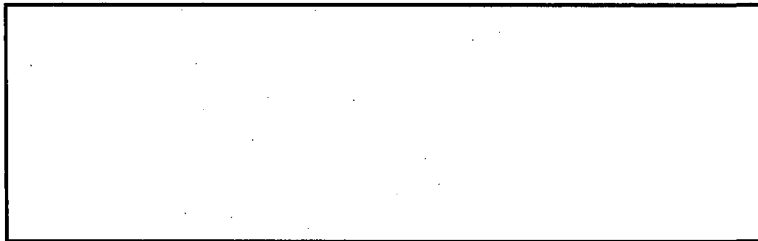
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DIOG Section 15: Intelligence Analysis and Planning

Intelligence Systems: The FBI is authorized to operate intelligence, identification, tracking and information systems in support of authorized investigative activities or for such other additional purposes as may be legally authorized, such as intelligence tracking systems related to terrorists, gangs, or organized crime groups.



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50



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DIOG Section 15: Intelligence Analysis and Planning

Geospatial Intelligence (GEOINT) is the exploitation and analysis of imagery and geospatial information to describe, assess and visually depict physical features and geographically- referenced activities on the Earth. **Mapping** is an activity under GEOINT and may be used in assessments (Domain Management; Collection Management) and predicated investigations

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51