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Date: 11/21/2005
To: ALL FIELD OFFICES From: CRIMINAL
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Author: [REDACTED] Approver: SWECKER CHRIS
Topic: ESTABLISH NEW CASE INITIATION PROCEDURES FOR ALL
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Precedence: ROUTINE Date: 11/21/2005
To: All Field Offices Attn: All ADICs/SACs
All ASACs
All Program Coordinators
All Supervisors
FBIHQ, Manuals Desk
From: Criminal Investigative
Integrity in Government/Civil Rights Section
Civil Rights Unit
Contact: SSA [REDACTED]
Approved By: Swecker Chris
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Drafted By: [REDACTED] tyr
Case ID #: [REDACTED] (Pending)
66F-HQ-A1343001-Z (Pending)
66F-HQ-A1343001 (Pending)
66F-HQ-C1384970
Title: GUIDANCE TO THE FIELD - CIVIL RIGHTS PROGRAM
GENERAL CASE INITIATION PROCEDURES
Synopsis: Establish new case initiation procedures for all Civil

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4/14/2011

Rights investigations.

Details: In an ongoing effort to streamline procedures, eliminate administrative burdens, and enhance the quality of Civil Rights investigations, the Civil Rights Unit (CRU) has established new case initiation procedures. These procedures will delegate the decision for case initiations back to the Field Offices.

The Attorney General Guidelines on General Crimes, Racketeering Enterprise, and Terrorism Enterprise Investigations dated 05/30/2002, (AG Guidelines) provided the FBI with discretionary authority to initiate full investigations, Part II (C)(1), and preliminary investigations, Part II (B)(1). The evaluation of the predication, evidence, witnesses, potential outcomes, and the required resources to work a particular case, must be performed by field personnel who have direct knowledge of the facts, understand the operational environment and the nuances of the local community.

Accordingly, the CRU has decided that Civil Rights case initiations should be determined by the Field Office where the alleged violation took place.

Effective the date of this communication, all complaints and allegations of Civil Rights violations will be evaluated by the respective Field Office to determine the merits of the case and investigative action to be taken. The field evaluation process could include interviews and record reviews. The predication and ability to corroborate allegations should determine what level of review is appropriate. If the Field Office determines that the matter is a case which should be initiated, that Office will open the case using an FD-610 and proceed accordingly using currently existing Civil Rights Program administrative procedures and reporting requirements [REDACTED]

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Conversely, should it be determined that the matter does not warrant the initiation of an investigation, within fifteen (15) calendar days of the receipt of the complaint, allegation or referral, the Field Office must document its justification for not opening the case in an Electronic Communication (EC). The Field Office should ensure that the subject and victim names are properly indexed in the EC and uploaded [REDACTED] Proper indexing and uploading of ECs will enable the CRU to retrieve the necessary information in response to inquiries without burdening the Field Office. Copies of any documentation which supports the Field Office's decision to decline opening the case, to include interview FD-302s, Inserts and police reports, should be enclosed with the EC. It is not necessary to submit a copy of this EC to CRU.

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When considering factors to utilize when assessing matters for potential initiation, field offices should focus on audacious or egregious cases which have a potential for serious community impact. Examples of such cases would be those which contain factors such as racial divisiveness and have received a

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great deal of national publicity such as the Rodney King police beating matter or the more recent widely televised beating incident involving New Orleans Police Department officers following the Hurricane Katrina disaster. Consideration should also be given to high profile hate crime matters such as church arson and cross burnings in which individuals or groups have clearly been targeted solely because of race, religion or national origin. Field offices should also consider pursuing cases which involve strong allegations of human trafficking.

There is a common misconception that the Civil Rights Division, United States Department of Justice (DOJ) has the authority to make the final decision as to which cases will be opened by FBI Field Offices. This misconception is re-enforced by the existing case initiation procedure where DOJ forwards a case initiation request to the CRU where it is ultimately forwarded to the Field Office for action. Because of this method, some Field Offices feel compelled to initiate an investigation when, in some instances, a limited evaluation prior to actually opening a case would quickly determine that the matter has no merit and does not warrant the initiation of an investigation. Effective the date of this communication, all requests for Civil Rights case initiations which originate from DOJ will be considered referrals. Upon receipt of a DOJ referral, the CRU will conduct a preliminary evaluation and forward those referrals, deemed appropriate, for further Field Office action. Should a Field Office determine that a DOJ referral is not worth pursuing, the Field Office must submit a copy of the EC to the CRU and ensure that the EC includes the following action lead: "It is requested that CRU review this communication and notify the Civil Rights Division, DOJ, of the decision to decline initiation of an investigation." It is not necessary to send the enclosures to the CRU (just upload the EC).

Field Offices are reminded that there will be instances when the CRU will exercise its program oversight responsibilities and direct that a particular case be initiated. This is necessary in the event both the CRU and DOJ strongly believe that the Field Office has overlooked a case that is clearly a Civil Rights violation or has a significant community impact.

In an EC dated 08/17/2005 (66F-HQ-A1343001-Z-36), captioned as "GUIDANCE TO THE FIELD OFFICE, CIVIL RIGHTS PROGRAM, PERFORMANCE MEASURES," the CRU established specific criteria which will be used by the CRU and the Inspection Division when evaluating all aspects of the Civil Rights Program for a particular Field Office. One of those criteria for Field Offices is to aggressively investigate all allegations of Civil Rights violations. All Field Offices must develop and maintain an adequate intelligence base that will facilitate a proactive approach in the identification of potential Civil Rights cases.

MIOG changes to follow.

Field Offices are reminded that FBIHQ file [REDACTED]
is [REDACTED]
[REDACTED]

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LEAD(s) :

Set Lead 1: (Action)

ALL RECEIVING OFFICES

Civil Rights Program Managers and Coordinators are requested to disseminate the contents of this EC to all personnel assigned to Civil Rights matters and ensure the new case initiation procedures are implemented as indicated in this communication. Any questions regarding the contents of this communication, should be directed to the CRU Supervisory Special Agent assigned to your region.

1 - [REDACTED] Rm. 3206
1 - [REDACTED] Rm. 3731
1 - [REDACTED] Rm. 3842

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