



Federal Bureau of Investigation

Title of Instruction:	IP #02 Policies and Procedures
Time of Instruction:	2 hours
Target Group:	New Agent Trainees (NATs)
Instructor:	Primary ITU Instructor
Methods of Instruction:	Lecture Facilitated exercise Small group exercise Brief back Homework – DIOG Methods review, VA training
Additional Information:	Classroom requirements: • ☐ classroom • Some students may have log on issues at this early class. Contact the Computer Skills instructor to find out which students do not have a profile/password yet. PowerPoint Presentation: • ITU – Slides 1 to 28 DIOG: DIOG quotes and paraphrasing are included in this lesson plan. The DIOG is a privileged document that cannot be released in whole or in part to persons or agencies outside the Federal Bureau of Investigation, nor can it be republished in whole or in part in any written form not containing this statement, including general use pamphlets, without the approval of the Director of the Federal Bureau of Investigation.
Date:	11/23/2009
Reviewed 01/21/10 MLF	

b7E

Statement of Goals and Objectives

Instructional Goal: In *Policies and Procedures*, NATs will learn about the AGG-DOM, DIOG, and MIOG.

Instructional Objectives:

After 2 hours of instruction, the New Agent Trainee will be able to:

1. Identify the purpose of the AGG-DOM.
2. Explain three general principles under the AGG-DOM.
3. Identify the two levels of information gathering activity authorized by the AGG-DOM.
4. Identify the purpose of the DIOG.
5. Identify the purpose of the MIOG/Program Guides.

Hour 1	50 min		Classroom	ITU primary instructor	Objectives 1-4
	10 min	Break			
Hour 2	45 min		Classroom	ITU primary instructor	Objective 5 Facilitated exercise (10 min) Student exercises (15 min) Brief back (10 min)
	5 min				Summary, assignment

b7E

List of Items and Materials

Equipment / Aids Required for Instructor:

- Lesson plan
- PowerPoint
- Title 18 U.S. Code (hard copy of book)
- Scenarios – Key

Equipment / Aids Required for Students:

☐ computers

b7E

Power Point Slides or Overheads:

Slide 1 TP #02. Policies and Procedures

Slide 2

Slide 3

Slide 4

Slide 5

Slide 6

Slide 7

Slide 8

Slides 9-11

Slides 12-21

Slide 22

Slide 23

Slide 24

Slide 25

Slide 26

Slide 27

Slide 28

Assignment

b7E

Handouts:

None

Student Notebook:

- Student Powerpoint
- AG Guidelines for Domestic FBI Operations Levels
- Scenarios – Student version
- Excerpt from AGG-DOM
- Classification Guide

Outline of Activities

Content	Instructor Notes
Grabber: As the primary investigative agency of the federal government, the Federal Bureau of Investigation (FBI) has the authority and responsibility to investigate all violations of federal law that are not exclusively assigned to another federal agency. The FBI is further vested by law and by Presidential directives with the primary role in carrying out investigations within the United States of threats to the national security and collecting foreign intelligence as a member agency of the U.S. Intelligence Community. Thesis Statement: These roles reflect the wide range of the FBI's current responsibilities and obligations, which require the FBI to be both an agency that effectively detects, investigates, and prevents crimes, and an agency that effectively protects the national security and collects intelligence. Needs Statement: The FBI must respect the privacy and avoid unnecessary intrusions into the lives of law abiding citizens while providing the American people a firm assurance that the FBI is acting properly under the law. All activities in all circumstances must be carried out in a manner consistent with the Constitution and laws of the United States, preserving the individual rights and liberties of the people we are investigating. Instructor note: 	Slide: Policies and Procedures Instructor note b7E
Objective #1: Identify the purpose of the AGG-DOM. Review LIU's discussion of the Constitution from an earlier class. In addition to the Constitution, we are guided by federal statutes (United States Code), case law, Executive Orders, and other directives. Title 18 of the United States Code deals with federal crimes and criminal procedures. Display a hard copy of the Federal Code, and describe how to find the Cornell Law School site on the Internet (Google search for "US Code").	Slide: Pyramid Display <i>Federal Criminal Code and Rules</i>

Locate one criminal statute, such as 18 U.S.C. 2119 ("carjacking"), and identify the elements:

- Intent to cause death or serious bodily harm
- Takes or attempts to take
- A motor vehicle transported, received or shipped interstate
- By force and violence or intimidation

On 9/28/2008, the Attorney General signed The Attorney General's Guidelines for Domestic FBI Operations (AGG-DOM). The general objective of the AGG-DOM is the full utilization of all authorities and investigative methods, consistent with the Constitution and laws of the United States, to protect the United States and its people from terrorism and other threats to the national security, to protect the United States and its people from victimization by all crimes in violation of federal law, and to further the foreign intelligence objectives of the United States. At the same time, the FBI must conduct its investigations and other activities in a lawful and reasonable manner that respects liberty and privacy and avoids unnecessary intrusions into the lives of law-abiding people. The purpose of the AGG-DOM is to establish consistent policy in such matters.

Objective #2: Explain three general principles under the AGG-DOM.

General principles under the AGG-DOM include:

Protect the United States and its people

- The FBI shall fully utilize the authorities provided and methods authorized under the AGG-DOM to protect the U.S. and its people from crimes in violation of federal law, threats to national security, and to further the foreign intelligence objectives of the U.S.

Choice of methods

- The least intrusive investigative method feasible will be used, considering the effect on privacy/civil liberties of individuals and potential damage to reputation
- Choice of methods is a matter of judgment
- The FBI shall not hesitate to use any lawful method consistent with AGG-DOM, where the degree of intrusiveness is warranted in light of the seriousness of the matter concerned or the strength of the information indicating existence of a threat

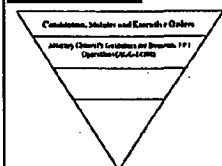
Respect for legal rights

- All FBI activities under the AGG-DOM must have a valid purpose and be consistent with Constitution, laws, Executive Orders, and DOJ/FBI policies
- The FBI cannot investigate or maintain information on U.S. persons solely for the purpose of monitoring First Amendment activities or the

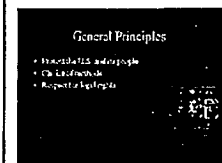
Elmo Title 18 U.S.
Code § 2119



Slide



Slide: Pyramid



Slide: General Principles

b7E

lawful exercise of other constitutional or legal rights

GENERAL AUTHORITIES

1. The FBI is authorized to conduct investigations to detect, obtain information about, and prevent and protect against federal crimes and threats to the national security and to collect foreign intelligence, as provided in Part II of the AGG-DOM.

2. The FBI is authorized to provide investigative assistance to other federal agencies, state, local, or tribal agencies, and foreign agencies as provided in Part III of the AGG-DOM.

3. The FBI is authorized to conduct intelligence analysis and planning as provided in Part IV of the AGG-DOM.

4. The FBI is authorized to retain and share information obtained pursuant to the AGG-DOM as provided in Part VI of the AGG-DOM.

Objective #3: Identify the two levels of information gathering activity authorized by the AGG-DOM.

The AGG-DOM authorizes the FBI to:

1. conduct investigations to detect, obtain information about, and prevent and protect against federal crimes and threats to the national security; and
2. collect foreign intelligence.

When an authorized purpose exists, the focus of activities authorized by the AGG-DOM may be whatever the circumstances warrant.

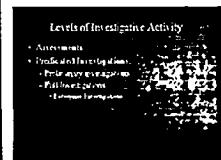
Two levels of information gathering activity are authorized by the AGG-DOM:

1. Assessments
2. Predicated Investigations

These activities afford the FBI flexibility, under appropriate standards and procedures, to adapt the methods utilized and the information sought to the nature of the matter under investigation and the character of the information supporting the need for investigation.

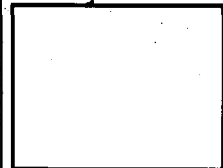
Assessments require an authorized purpose but not any particular factual predication. Assessments may be carried out to detect, obtain information about, or prevent or protect against federal crimes or threats to the national security or to collect foreign intelligence.

The methods authorized in assessments are generally those of relatively low intrusiveness, such as obtaining publicly available information, checking government records, and requesting information from members of the public. The AGG-DOM does not impose supervisory approval requirements in



Slide: Levels of Investigative Activity

Notebook: Excerpts from AGG-DOM [Use alternate Investigative Methods handout to discuss Assessment vs. Predicated Investigation if desired.]



Slide: AGG-DOM

b7E

assessments, given the types of techniques that are authorized at this stage (e.g., perusing the Internet for publicly available information). However, FBI policy will prescribe supervisory approval requirements for certain assessments, considering such matters as the purpose of the assessment and the methods being utilized.

The AGG-DOM authorizes a second level of investigative activity, predicated investigations. The purposes or objectives of predicated investigations are essentially the same as those of assessments, but predication is needed - generally, allegations, reports, facts or circumstances indicative of possible criminal activity or threats to the national security. Supervisory approval must be obtained to initiate predicated investigations. Corresponding to the stronger predication and approval requirements, all lawful methods may be used in predicated investigations.

Predicated investigations that concern federal crimes or threats to the national security are subdivided into preliminary investigations and full investigations. Preliminary investigations may be initiated on the basis of information or an allegation indicative of possible criminal activity or a threat to the national security. Full investigations may be initiated if there is an articulable factual basis indicating possible criminal activity or a threat to the national security. While time limits are set for the completion of preliminary investigations, full investigations may be pursued without preset limits on their duration.

The AGG-DOM also authorizes a specific category of full investigation referred to as enterprise investigations which permit a general examination of the structure, scope, and nature of certain groups and organizations. Enterprise investigations are subject to the purpose, approval, and predication requirements that apply to full investigations, and all lawful methods may be used in carrying them out. The distinctive characteristic of enterprise investigations is that they concern groups or organizations that may be involved in the most serious criminal or national security threats to the public - generally, patterns of racketeering activity, terrorism or other threats to the national security. A broad examination of the characteristics of groups satisfying these criteria is authorized in enterprise investigations, including any relationship of the group to a foreign power, its size and composition, its geographic dimensions and finances, its past acts and goals, and its capacity for harm.

Objective #4: Identify the purpose of the DIOG.

Display the FBI
Classification Guide

Notebook: Selected
Criminal
Classifications by
Program

Remind the students of the example of an FBI file number from IP #01 (209A-MM-32266). The file number indicates the type of investigation and the field office working the investigation.

Exercise: Students log onto the [redacted] network and locate the classification guide. [Instructor should consider e-mailing a link to this guide to the students the day before class.] Instructor may also walk the students through the Intranet pages, using their own Intranet account, rather than using these slides.

[redacted]

Students either use the link at the top right, "List of Classifications – FY 20xx, xx Quarter," or scroll down the page and select "Classifications by Operational Program." Open one of the spreadsheets.

Locate several criminal programs and highlight a few classifications associated with each.

There are numerous abbreviations in this classification list that may be unfamiliar to the students.

Instructor: Consider using the file number quiz to show students how the classification list is laid out.

The purpose of the FBI's Domestic Investigations and Operations Guide (DIOG) is to standardize policy so that criminal, national security, and foreign intelligence investigative activities are accomplished in a consistent manner, whenever possible (e.g., same approval, notification, and reporting requirements). The DIOG provides FBI policy that helps FBI personnel apply the principles in the AGG-DOM to FBI investigations. The DIOG applies to all FBI investigative and intelligence collection activities within the United States.

Students open a new Internet Explorer window, keeping the Investigative Classifications open at the other window. [Instructor should consider e-mailing a link to this page to the students prior to this class.]

Locate the Policy Portal page at [redacted]
Students should save this to their Favorites.

Instructor note: Slide builds automatically.

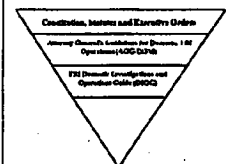
[redacted]

Slide: FBI Investigative Classifications screen shots [3 slides]

Review quiz.

7A-SF-123456
Kidnapping
San Francisco

Slides: Review Quiz [10 slides]



Slide: Pyramid

[redacted]

Slide: Screen shot Policies and Procedures (DIOG)

Policy Portal Exercise

Instructor Note

Students follow the link to the DIOG.

From this page, students may select the DIOG (Instructor note: Slide builds automatically to circle around DIOG). Students pull up the DIOG Table of Contents. (Note that Appendix A is the AGG-DOM.)

There are other important policy links on this page, such as the AGG-DOM. Point them out, but do not open them.

During upcoming ITU classes, students will apply guidance described in DIOG, especially Sections 4-7 and Section 11.

Objective #5: Identify the purpose of the MIOG (and Program Guides).

In addition to the DIOG, each FBIHQ Division is writing a Program Guide (PG) to supplement the DIOG. Numerous FBI manuals, electronic communications, and other policy documents are being consolidated into the DIOG and the PGs. Until PGs are published, the FBI will continue to use the Manual of Investigative Operations and Guidelines (MIOG) for program guidance for criminal investigations.

Illustration: Remind the students that investigative methods are like tools in a toolbox (from IP #01). The DIOG is like a collection of the owner's manuals for those tools – it tells you how to use each tool safely, but does not describe how to build a deck, frame a house, or repair plumbing.

The MIOG sections are like books on, "How to build a house," "How to build a deck," etc. Different projects (like different investigations) will call for the use of some of the same tools, but in different sequences.

Students open MIOG.

The MIOG is divided into three parts: the Introduction, Part 1 and Part 2.

Illustrate the association between the Classification Guide and MIOG Parts I.1 and I.2. Cross-reference a classification, such as classification 87, Interstate Transportation of Stolen Property, with MIOG Part I.1, Section 87. The Classification Guide points Agents to the applicable MIOG section.

Open Part I.1 and note several classifications, such as 7 (Kidnapping), 9 (Extortion), and 15 (Theft from Interstate Shipment). Select a classification and scroll through the subsections therein.

Subsections are not consistent for every section, but Statutes, Policy,

Slide: Screen Shot,
DIOG



Slide: Pyramid

Slide: Screen Shot
Policies and
Procedures (MIOG)

Investigative Procedure, Venue and Reporting Requirements are common for many sections.

MIOG sections are gradually being replaced by DIOG provisions and the PGs. Until the PGs are approved, MIOG Part 1 is usually the relevant policy with regard to criminal investigations.

The handout in the ITU Notebook, Selected Criminal Classifications by Program, includes just the criminal and cyber programs. Administrative classifications (e.g., training) and obsolete classifications [redacted] were removed.

Facilitated exercise: Ask students to review Scenario A in the ITU notebook. Discuss whether the FBI has an interest in this matter, which investigative classification it would fall under, and which MIOG section would articulate the appropriate policy.

Student exercise: Students work in small groups. Each group considers one or two other scenarios to decide if the FBI has an interest and why or why not. Each group selects a spokesperson to brief back the group's decision.

Brief back: Discuss their group's decisions for each scenario.

Emphasize the difference between federal statutes and MIOG sections. Federal statutes are the laws we enforce; MIOG sections describe how we enforce them.

Summary/Conclusion:

Students have been introduced to a new set of important rules and policies. During New Agents Training, students will have opportunities to apply the AGG-DOM, the DIOG and other policy manuals and to learn important FBI procedures.

Assignment:

Prior to IP #03, Methods Overview:

- Read the AGG-DOM excerpt located in the ITU Notebook.
- Review DIOG Section 5.9, Authorized Investigative Methods in Assessments and Predicated Investigations, pages 58-71.
- Complete on-line course, Private Source Databases, in the Virtual Academy.

Prior to IP #05, Requirements, Gaps and Methods:

- Complete on-line course, AGG-DOM Training, in the Virtual Academy.
- Complete on-line course, DIOG Training, in the Virtual Academy

b7D

Facilitated Exercise

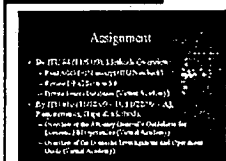
ITU notebook –
Scenario exercise

Small Group
Exercise

Brief back

b7E

Slide [redacted]



Slide: Assignment

Bibliography

AGG-DOM
DIOG
MIOG