

- The Attorney General's Supplemental Guidelines for Collection, Retention, and Dissemination of Foreign Intelligence (November 29, 2006)
- The Attorney General Procedure for Reporting and Use of Information Concerning Violations of Law and Authorization for Participation in Otherwise Illegal Activity in FBI Foreign Intelligence, Counterintelligence or International Terrorism Intelligence Investigations (August 8, 1988)
- The Attorney General's Guidelines for Reporting on Civil Disorders and Demonstrations Involving a Federal Interest (April 5, 1976)

When will the AGG-DOM be in effect?

The FBI will be operating under the new guidelines and our implementing policy on October 1, 2008.

What does the new policy framework look like for FBI domestic investigations?

At the top is the AGG-Dom. This is implemented across all programs and divisions in the Domestic Investigations and Operations Guide (DIOG), which replaces most of the existing Manual of Investigative Operations Guidelines (MIOG) and also some portions of the National Foreign Intelligence Program Manual (NFIPM). The DIOG is further supplemented by individual program implementation guides. The AGG-Dom and DIOG are effective October 1, 2008. The divisional program implementation guides, which are currently being written, will be effective December 1, 2008.

What can the FBI do under the new guidelines that it could not do before?

The vast majority of the authorities outlined in the AGG are not new, but some techniques that were permissible under certain circumstances for criminal matters will now be available for national security matters as well, and vice versa.

1. Recruiting and tasking sources without an open predicated investigation, previously possible in criminal matters, will now be possible in an authorized Assessment for national security matters as well (with all appropriate approvals).
2. Previously, without a predicated investigation open, physical surveillance could be conducted in a potential criminal matter, but only "casual observation" could be used in a potential national security matter. Under the AGG-Dom, physical surveillance will be permissible for both in a properly authorized Assessment (with all appropriate approvals).
3. Conducting a pretext interview without an open predicated investigation, previously possible in criminal matters, will now be possible in an authorized Assessment for national security matters as well (with all appropriate approvals).

B. DIOG Scope and Organization

What is the DIOG and what does it cover?

The Domestic Investigations and Operations Guide (DIOG) is a policy implementation manual which outlines how the FBI will carry out domestic operations under the new AGG-Dom.

What parts of the MIOG are superseded by the DIOG?

- Significant portions of the MIOG are superseded by the DIOG. Other portions of the MIOG will be superseded by individual program implementation guides. Those portions of the MIOG that are not impacted will be updated over time as part of the Corporate Policy Office's MIOG re-write plan.
- If you access a policy of guidance through the Corporate Policy Office's policy portal you can be assured that what you are seeing is the guidance currently in effect, so it is not necessary to study a side-by-side comparison.

How is the DIOG organized?

The first four sections of the DIOG discuss the scope; core values, roles, and responsibilities; general authorities and principles; and privacy and civil liberties. The next five sections cover types of investigations: Assessments, Preliminary Investigations, and Full Investigations. There are special sections on foreign intelligence and enterprise investigations. The remaining sections cover: Sensitive Investigative Matters, Investigative Methods, Interviews, Undisclosed Participation, Assistance to Other Agencies, Retention and Sharing of Information, and Strategic Analysis and Planning.

Where can I find the DIOG? How can I find what I'm looking for within it?

The DIOG can be found on the FBI intranet at the Corporate Policy Office's central policy portal at [REDACTED]. There you will also find links to supporting documents, job-aids, communications, and related implementing program policies.

Like all FBI policies, the DIOG is fully searchable electronically.

When will the DIOG be implemented?

The FBI will be operating under the new guidelines on October 1, 2008.

Will I receive training on the DIOG?

Yes, there is a Virtual Academy course on the AGG-Dom and another on the DIOG. In addition, you may receive a briefing from your CDC and/or supervisor.

My investigative program has not issued policy for implementing the DIOG. How do I know what rules to follow?

1. Go to the DIOG [REDACTED] and do a search or look through the index to find the applicable policy. The Corporate Policy Office (CPO) is responsible for ensuring that the policy on the portal is the most current. As divisional program implementation guides supersede old

sections of the MIOG, the CPO will upload the changes and the portal will take you to the newest policy.

2. Divisional program policies cannot contradict the DIOG, but they can add additional requirements and/or clarify definitions and procedures (ex. what constitutes "notice" for a particular program).

How was the DIOG developed?

1. A team consisting of attorneys from the Office of General Counsel, personnel from the Corporate Policy Office and the Office of Integrity and Compliance (OIC), and experienced SSAs from field offices and headquarters, was assembled to draft clear policy on how the new Attorney General Guidelines will be implemented in the FBI. The AGG Task Force sought input from each operation program through division policy officers and worked hard to reach consensus on the standardized rules to be included.
2. All key decision points were presented to the EADs for final resolution.
3. Additionally, personnel from the Training Division, Employee Communications and OIC developed a strategy to communicate the new policies to the workforce, to provide appropriate training, and to ensure compliance mechanisms are established.

C. Justification and Impact

Why are the new guidelines needed?

1. Having five different sets of guidelines causes irrational inconsistencies and undue complexity. Having one clear set of guidelines will help ensure consistency and compliance in the FBI's domestic operations.
 - Because today's threats are intertwined and do not follow our programmatic boundaries, the FBI needs a uniform set of investigative rules, with the same definitions, approval and reporting requirements across all programs. This will eliminate the need for intelligence collectors and investigators to continuously decide which set of rules to follow in a particular situation.
 - If an agent sought to use an investigative technique, sometimes the rules governing criminal investigations would be more restrictive than the national security guidelines and sometimes less restrictive.
2. Congress and various commissions have called for the FBI to become a proactive and threat-driven intelligence agency.
 - The FBI has a mandate to stay ahead of threats and to be more predictive and preventative in executing its mission. Expectations are that we must intervene earlier and focus on disruption and dismantlement of threats in addition to investigating crimes and acts of terrorism after the fact.
 - It is not enough to wait for leads to come in and piece together intelligence from our cases. If we focus only on what we know we may fail to prevent the next

terrorist attack, the next corporate fraud problem that may undermine confidence in the economy, or the violent gang starting to get a foothold in a new area. As an intelligence agency, we cannot and should not be solely driven by what we "know" from our cases; it is just as important to know what we do not know so that we can take action to fill in those knowledge gaps.

- Having intelligence drive our activities allows smarter use of our finite resources; it may be, for example, that by looking critically at intelligence and at knowledge gaps, we can make a threat-driven decision that some cases are simply not worth the resources they are absorbing.
- We need to be able to provide what is required by foreign intelligence policymakers to conduct informed foreign relations. Among all agencies in the Intelligence Community, we are best positioned to gather such information in a way that is most respectful of U.S. values.

What inconsistencies in the current rules will the AGG-Dom address?

Here are a few examples of inconsistencies found in our previous guidelines and policy framework:

1. Different rules for national security and criminal investigations

- The NSIG (governing all national security investigations) prohibited recruiting or tasking sources unless the FBI had at least a Preliminary Investigation open. The General Crimes Guidelines (GCG) contained no similar limitation.
- The NSIG prohibited physical surveillance unless the FBI had at least a PI open, although it allowed information to be collected without an investigation through "casual observation". The GCG contained no similar limitation on physical surveillance.
- The NSIG contained a prohibition on "pretext interviews" unless the FBI had at least a PI open. The GCG contained no similar limitation.
- The rules on consensual monitoring were more restrictive in the criminal guidelines than in the NSIG.
- The rules governing the "undisclosed participation" in legitimate organizations were addressed in the NSIG but not in GCG.

2. Differences in definitions also had the potential to cause confusion.

- Example: The NSIG contained a clearly defined category of activity called a "threat assessment" during which non-intrusive information gathering and analysis could occur. The GCG contained no similarly defined category of activity, although it had one allowing for "the prompt and limited checking of leads," which the NSIG did not have. The new guidelines will do away with such differences in terms.

Are the new guidelines less restrictive overall?

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1. In the FBI implementing policy (the DIOG), some things may be less restrictive and other things more restrictive – it depends on what set of rules a particular program was previously operating under. If an agent sought to use a particular investigative technique, sometimes the rules governing criminal investigations would be more restrictive than the national security guidelines and sometimes less restrictive.
2. Using a task force approach with participation by experienced Supervisory Special Agents from the field and representation from all investigative programs, the FBI developed implementing policies that will work for all programs and help us to fulfill our mandates, including protection of civil liberties.

Why is there a rush for an October 1 implementation?

1. We are ready for the new guidelines and we need them.
2. The October 1 implementation date enables us to incorporate the new policy framework into the Strategic Execution Team's (SET's) intelligence rollout and provide clear and consistent answers to agents' and analysts' questions – answers that do not differ based on the investigative program.
3. The new approval and reporting requirements will reflect the new standardized organization and work roles (career paths) in field offices and the Directorate of Intelligence.

How will one set of guidelines work for diverse investigative programs?

To ensure the new policy framework works for all investigative programs, the drafting team included managers from field offices and headquarters operational divisions, as well as attorneys from the Office of General Counsel, and personnel from the Corporate Policy Office and the Office of Integrity and Compliance. The AGG Task Force sought input from each operational program through Division Policy Officers and worked hard to reach consensus on the standardized rules to be included. The Executive Assistant Directors met with the task force weekly to resolve any areas of conflict. Divisional program policies are also being written to further refine – but not contradict – the new guidelines.

I have an issue with something in the DIOG. Is there a mechanism for providing feedback?

1. Matters related to potential compliance issues may be directed to the Office of Integrity and Compliance.
2. Substantive issues may be raised with the Corporate Policy Office or your program manager.

D. Safeguarding Civil Liberties

What controls are in place to ensure these new authorities are not abused?

1. The AGG-DOM contains several general statements of policy:
 - No investigation can be commenced based solely on ethnicity or the exercise of First Amendment rights.

- The FBI should use the least intrusive method that is feasible under the circumstances.
 - In connection with Foreign Intelligence collection, agents should operate openly and overtly with U.S. Persons, if possible.
 - All activities must have an authorized and proper purpose. We interpret that to mean there has to be a purpose that is tied to an FBI mission.
2. There will be strong oversight from DOJ.
- The oversight regime, through mandatory reporting, can streamline the focus to items of highest sensitivity (v. burying DOJ with reports).
 - In matters of national security, the initiation of Full Investigations of U.S. persons must be reported to DOJ.
 - All investigations with sensitive circumstances must be reported to DOJ. Sensitive circumstances mean a matter involving a domestic public official, a political candidate, a religious or political organization – or a person prominent in them – or the media (academic nexus?).
 - The initiation of any enterprise investigation must be reported to DOJ (either OCRS or NSD, as appropriate).
 - The initiation of all investigations to collect foreign intelligence must be reported to the NSD. Thereafter, FBI must, in an aggregate annual report, give details on foreign intelligence collection matters. [Pure FI, not CI or CT matters.]
 - Assistance to foreign agencies – if the assistance is of a nature that requires FBI HQ approval – (those approval levels not set; will likely be required if techniques beyond Assessment techniques are used).
3. Other DOJ oversight:
- Traditional oversight of criminal matters continues to come through the relationship between FBI and US Attorney's Offices.
 - DOJ is generally permitted to seek information on any investigation or group of investigations as it sees fit.
 - Consensual monitoring in "sensitive monitoring circumstances" must be approved by DOJ. "Sensitive monitoring circumstances" includes, among others, consensual monitoring of high level federal officials and high level state officials.
 - "National Security Reviews" conducted jointly by DOJ's National Security Division and FBI-OGC. These grew out of the NSL situation, but the scope of the review is much broader and is intended to provide oversight of those investigations that would not likely have USAO involvement.

What determines the "least intrusive method?"

1. The level of intrusion must be balanced against investigative requirements. The DIOG outlines a number of considerations, but there is no simple checklist.
2. In determining intrusiveness, the primary factor should be the degree of procedural protection that established law and the AGG-Dom [REDACTED] particular investigative method is under discussion [REDACTED]
3. The nature and scope of the information sought, the scope of the use of the method (how complete a picture of an individual's activities will the method produce?), the source of the information, the expectation of privacy associated with it; and the risk of exposure all must be considered.
4. Considerations should include: the seriousness of the crime or national security threat, the strength and significance of the intelligence/information to be gained, the amount of information already known, and the requirements of operational security, including protection of sources and methods.

How can you justify keeping files related to an Assessment for 25 years?

The 25-year retention requirement is consistent with the default policy of the National Archives and Records Administration (NARA).

If an Assessment finds that there is no indication of wrongdoing, is the record still retained?

1. Consistent with how we have handled records related to threat assessments for Guardian leads, information gained through an Assessment may also be retained. Even where the Assessment finds no indication of wrongdoing, the information may eventually serve a variety of valid analytic purposes as pieces of the overall intelligence picture are connected to thwart criminal and/or terrorist activities. In addition, the information may possibly assist FBI personnel in responding to any questions which may subsequently arise as to the nature and extent of the Assessment and its results--whether positive or negative.
2. Retention of information about an individual collected in the course of an Assessment will alert other divisions considering conducting an Assessment on the same individual. ~~this particular individual is not a criminal or national security threat~~. As such, retaining personally identifying information collected in the course of an Assessment will also serve to conserve resources and prevent the initiation of unnecessary Assessments and other investigative activities.
3. Information obtained during an Assessment that has insufficient value to justify further investigative activity (at least at the time it is obtained)—is often sensitive personal information concerning U.S. persons and entities. If it is retained for analytic purposes, the data shall be filed [REDACTED]

[REDACTED] and to preclude its use

What is the difference between "casual observation" and "physical surveillance?"

Do we need to add details on duration of surveillance?

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1. There is no bright line, but the following factors should be considered when determining whether a particular plan of action constitutes "casual observation" as opposed to "physical surveillance":



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2. "Casual observation" would be no longer in duration and no broader in scope than is necessary to determine the existence and nature of a threat.

What is the difference between a "sensitive investigative matter" and a "sensitive circumstance?"

Sensitive investigative matters refer to Assessments or predicated investigations involving a public official, political candidate, political or religious organization, news media, or university. (See section [redacted]). The term "sensitive circumstance" relates to an undercover operation requiring FBIHQ approval. (See AGG on FBI Undercover Operations).

II. INVESTIGATIONS AND INTELLIGENCE GATHERING

A. Overview

What types of investigations are authorized?

Preliminary and Full Investigations (including FI and Enterprise) and Assessments are authorized.

What types of investigative techniques are authorized?

See Chart [Link to Authorized Methods for Assessments and Predicated Investigations chart]

What level of approval is required for various investigative techniques?

See Chart [Link to Authorized Methods for Assessments and Predicated Investigations chart]



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Do we want to include explanation of a justification review?

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What level of approval will be required for the FBI to conduct an Assessment of a political or religious group?

No Assessment, or any other type of investigative activity, can be undertaken based solely on activities protected by the First Amendment. In an instance where there is information such as a specific threat lead indicating that a group may pose a threat of violence, an Assessment may be permissible, but it is safe to say that such an activity would require the highest level of scrutiny.

C. Preliminary Investigations

When should an Agent open a Preliminary Investigation (PI)?

Preliminary investigations may be initiated on the basis of any allegation or information indicative of possible criminal activity or threats to the national security. Enterprise investigations and foreign intelligence collection cannot be conducted as a Preliminary Investigation. A Preliminary Investigation may not be initiated based solely on the exercise of First Amendment rights.

When can I open a preliminary investigation?

1. Like Assessments, a PI requires a proper purpose, but in addition there must be adequate predication.
2. A Preliminary Investigation may be initiated on the basis of information or an allegation indicating the existence of a circumstance described as follows:
 - An activity constituting a federal crime or a threat to the national security has or may have occurred, is or may be occurring, or will or may occur and the investigation may obtain information relating to the activity or the involvement or role of an individual, group, or organization in such activity.
 - An individual, group, organization, entity, information, property, or activity is or may be a target of attack, victimization, acquisition, infiltration, or recruitment in connection with criminal activity in violation of federal law or a threat to the national security and the investigation may obtain information that would help to protect against such activity or threat.



Investigations" section of the DIOG. Foreign intelligence and enterprise investigations each have their own section in the DIOG.

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How do I open a Full Investigation?

1. You must document in an EC the purpose of and predication for a Full Investigation and get SSA approval. You should also notify the FBIHQ substantive unit. In national security cases involving a U.S. Person, you must also notify the DOJ National Security Division.
2. Enterprise investigations require SSA and FBIHQ approval with notification to the FBIHQ substantive unit, DOJ, and the U.S. Attorney's Office.
3. Full Investigations involving sensitive investigative matters [REDACTED]

4. See Chart [Link to Predicated Investigations Summary chart](#)

How do I close a Full Investigation?

Although there is no duration requirement for Full Investigations, the investigation must be closed upon all investigative activity being exhausted.

1. Closing a Full Investigation requires approval from the FBI field office SSA with written notification to the FBIHQ section/unit and the SAC in sensitive investigative matters.
2. The closing of a Full Investigation for the purpose of foreign intelligence collection requires SSA approval with concurrence from FBIHQ Foreign Intelligence Collection Oversight Unit.

E. Foreign Intelligence (FI)

How is FI defined in the DIOG?

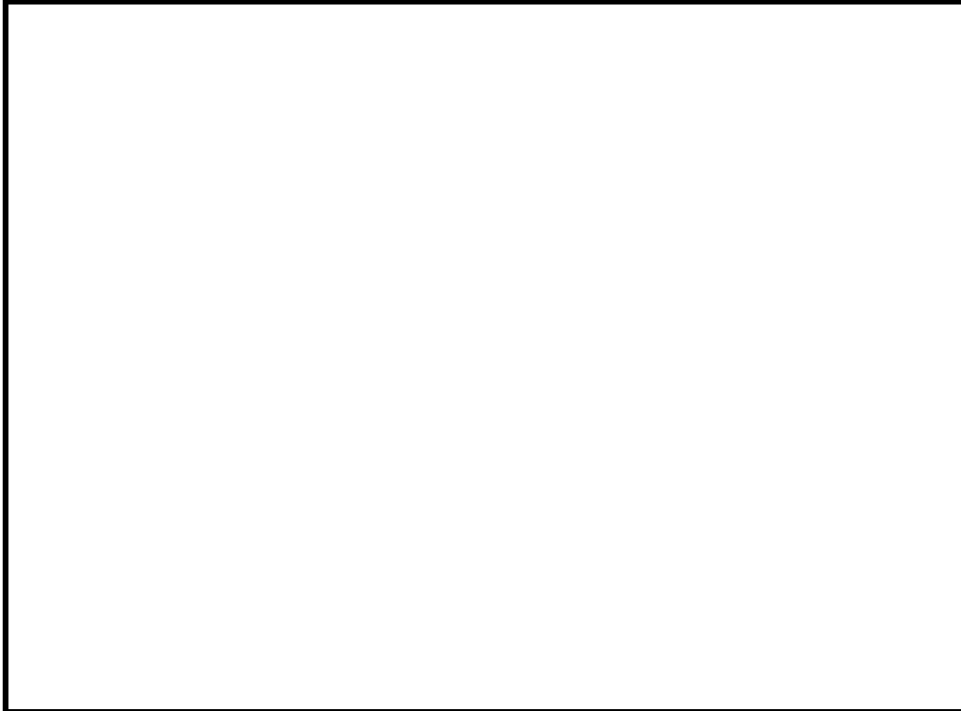
The AGG and DIOG define "Foreign Intelligence" as information relating to the capabilities, intentions, or activities of foreign governments or elements thereof, foreign organizations or foreign persons, or international terrorists.

What is the difference between a "matter of Foreign Intelligence interest" and "requirements-driven Foreign Intelligence collection?"

Assessments to collect on matters of "Foreign Intelligence interest" require documented authorization from the Foreign Intelligence Collection Oversight Unit, FBIHQ. Matters of Foreign Intelligence interest, an authorized purpose for an Assessment, are different than "requirements-driven Foreign Intelligence collection" which are conducted as Full Investigations. The Directorate of Intelligence division program guide further describes this distinction.

If the Directorate of Intelligence has issued an intelligence requirement, do we open an Assessment or a Full Investigation?

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A. Domain

I'm working on a domain assessment. How should I document and file information related to this activity?

The Field Intelligence Group (FIG) should [REDACTED] for materials related to Domain Management.

May I open an Assessment to collect information for our domain evaluation?

You should first [REDACTED] file for Domain Management. This is not an Assessment that would give you authority to collect intelligence. The next step is to create a collection plan that establishes a framework for addressing gaps, vulnerabilities, and threats that tie into intelligence requirements. You may then open an Assessment based on intelligence gaps identified in the collection plan. Once it has been designated an Assessment, a file number will be created and collection can begin.

As part of our Domain Management efforts, we need to identify and obtain information about potential targets or vulnerabilities. How do we approach this if there is no specific factual predication?

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level of investigation, a non-predicated Assessment, you must – at a minimum – be collecting intelligence for the purpose of detecting, obtaining information about, or preventing or protecting against federal crimes or threats to the national security or to collect foreign intelligence.

B. Collection and Requirements

What can be collected outside of a case?

An agent should not be collecting anything that does not fall within an Assessment, Preliminary Investigation, Full Investigation, or foreign intelligence investigation. Within an Assessment (which does not require a predicated case), however, an agent can respond to complaints, look into suspicious activity, check out leads, assess vulnerabilities, undertake action to identify and maintain confidential sources, and evaluate the domain in relation to foreign intelligence requirements when the appropriate process is followed.

Can we collect intelligence just to address a requirement?

Yes, but before any investigative activity is undertaken to respond to an FBI National Collection Requirement, an Assessment must be initiated or already open. This is true for both FBI National Collection Requirements and for FBI Field Office Collection Requirements.

If I do not have a case driving my collection activities, can I document lawfully collected domain information in an FBI database or FBI control file?

An agent should not be collecting information unless it is in support of an Assessment, Preliminary Investigation or Full Investigation. All collection activities should be documented in the appropriate file.

How are we tracking activities conducted in response to a requirement?

Each FBI requirement must be tied to a specific program, whether it is WMD, Cyber, CI, CTD, etc. Each FBI requirement also needs a unique identifier, and every activity associated with it will be stored in the National Requirements Collection Library.

Will the new AGG and FBI policy allow an SA to use all the techniques currently taught in training classes? (ex. DHCC, etc.)

The Attorney General's Guidelines for FBI Domestic Operations

- The new AG Guidelines are needed to:
 1. give the FBI a modern policy framework to help us operate in a modern threat environment in which criminal and national security matters often overlap.
 2. to enable the FBI to be more proactive, predictive, and preventative in fulfilling its mission.
- The FBI will implement the new AG Guidelines with a comprehensive policy framework that includes extensive controls and checks to ensure that civil liberties and privacy rights are protected. Policies are currently being drafted and may be revised to address any issues raised in briefings with civil liberties groups and/or Members of Congress.

Benefits of the AG Guidelines:

- **Uniform** -- Because today's threats are intertwined and do not follow our programmatic boundaries, the FBI needs a uniform set of investigative rules, with the same definitions, approval and reporting requirements across all programs. This will eliminate the need for intelligence collectors and investigators to continuously decide which set of rules to follow in a particular situation.
- **Clear** - Having one clear set of guidelines will help ensure consistency and compliance in the FBI's domestic operations.
- **A necessary next step in FBI fulfilling post 9/11 mandate for the FBI to "strengthen and improve its domestic [intelligence] capability" -**
 - The FBI has a mandate to stay ahead of threats and to be more predictive and preventative in executing its mission. Expectations are that we must intervene earlier and focus on disruption and dismantlement of threats in addition to investigating crimes and acts of terrorism after the fact.
 - It is not enough to wait for leads to come in and piece together intelligence from our cases. If we focus only on what we know we may fail to prevent the next terrorist attack, the next corporate fraud problem that may undermine confidence in the economy, or the violent gang starting to get a foothold in a new area.
 - The new guidelines will give us the authorities we need to be more strategic and intelligence-driven in our planning and our operations. So we are:
 - connecting the dots AND (where authorized) collecting more "dots" to ensure we have a complete picture

- focusing finite resources on the most critical threats
- working with public and private partners to stay ahead of developing threats
- addressing the intelligence needs of Law Enforcement, Intelligence Community, and other customers
- The guidelines expressly address intelligence collection to drive strategy outside of traditional investigations to build a case for prosecution, such as collection to address intelligence requirements or to promote strategic awareness of our Area of Responsibility. The guidelines outline clear boundaries for these activities, consistent with the Constitution and all applicable laws and regulations, and the FBI is putting in place a framework of approvals, reporting, recordkeeping, and oversight.

Addressing Speculation:

- While there may be a lot of speculation about the impact of the new guidelines, the vast majority of the authorities outlined in the AGG are not new. There are two key techniques that will now be available for Assessments that were not available under the previous guidelines:
 - Previously, the FBI could not recruit and task a source without factual predication of a federal crime or national security threat justifying a Preliminary or Full Investigation. Under the new guidelines, a source may be tasked for an authorized purpose, even if there is no specific factual predication.
 - Previously, the FBI could not conduct physical surveillance without factual predication of a federal crime or national security threat. Under the new guidelines, physical surveillance can be conducted for a proper purpose. Electronic surveillance is not permissible without factual predication.
 - The use of these techniques is necessary to:
 - more quickly and thoroughly track down leads
 - strengthen – and make better use of – our source base by allowing us to more easily identify and recruit new sources, check on the credibility of a source, or ask an existing sources questions to respond to intelligence requirements or to inform strategic analysis and planning
- The new guidelines do not permit investigative activities or analysis based solely on race, ethnicity, religion, or any activities or speech protected by the First Amendment.

Safeguarding civil liberties:

- Certain principles are woven throughout the AGG-DOM:

- Activities must have a legitimate or “authorized” purpose.
- No Assessments or investigations may be initiated based solely on activities or affiliations protected by the First Amendment.
- No activity may undertaken based solely on race or ethnicity
- The least intrusive method that can be used to accomplish the purpose should be used.
- To ensure these principles are adhered to, the FBI is developing an implementation policy that spells out procedures, approval requirements, reporting requirements, and limitations on methods and duration of activities. The more intrusive a technique, the more checks are imposed on it.
 - All FBI personnel will receive training on the guidelines and adherence to Constitutional principles.
 - Supervisors, Program Managers, the Inspection Division, Office of Integrity and Compliance, Office of General Counsel, Office of Professional Responsibility, and Office of Inspector General will all share responsibility for compliance.

Implementation:

- The FBI will implement the new AGG with a detailed manual that clearly spells out what activities are authorized under what circumstances, what levels of approval and notifications are required for each type of justification and investigative method, time limits on activities, information sharing, and record keeping.
- To ensure the new policy framework works for all investigative programs, the drafting team includes managers from field offices and headquarters operational divisions, as well as attorneys from the Office of General Counsel, personnel from the Corporate Policy Office. The AGG Task Force seeks input from each operation program through division policy officers and attempts to reach consensus on the standardized rules to be included. The team is also seeking input from civil liberties groups.
- An aggressive training and communications strategy is planned to educate the workforce, including: mandatory web-based training, town hall, user friendly reference materials, communications tools kits for managers and Chief Division Counsels, and updates to the New Agents and Analysts training curriculum as well as other in-service training.
- Additionally, personnel will be able to easily locate and identify the applicable policy for a given situation through an indexed and searchable web-based portal on the FBI intranet – reducing the likelihood of personnel relying on an outdated policy.

Methods and Approvals:

- FBI policy, currently being drafted, will specify what types of methods can be used for Assessments and predicated investigations.
 - Intrusive techniques cannot be used in an Assessment. Without a specific factual predication the FBI cannot conduct electronic surveillance (eavesdrop) on Constitutionally protected conversations, cannot obtain financial records, cannot go undercover, cannot issue a National Security Letter or Grand Jury Subpoena.
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- Policies will specify the level of approval required for each type of investigation and investigative method. The more intrusive the method, the higher level of approval is required.
 - Agents may access public records, government databases, conduct voluntary interviews without supervisory approval
 - Conducting observations or tasking a source requires approval from the Chief Division Counsel and assistant special agent in charge
 - Sensitive investigative matters including academic institutions, religious organizations require Chief Division Counsel (CDC) review and Special Agent in Charge (SAC) approval, with written notification to the appropriate FBI Headquarters Section Chief and Unit Chief.
 - The most sensitive matters require review by a full committee of SES personnel including DOJ.

Controls:

- Internal controls
 - There are control mechanisms at all levels, from the Supervisor signing Assessment paperwork and conducting 90-day file reviews, to Chief Division Counsel reviews of sensitive matters, to programmatic reviews from FBIHQ.

- The new Sensitive Operations Review Committee (SORC) will provide for SES-level reviews of highly sensitive matters.
- The Office of Integrity and Compliance is putting in place a policy and methodology for minimizing risk on Assessments.
- The Inspection Division will have ongoing responsibility for reviewing compliance.
- The Privacy Council reviews the plans of any record system that is proposed within the FBI for compliance with the Privacy Act and related privacy policies
- The Criminal Undercover Operations Review Committee, which is comprised of senior DOJ and FBI officials and reviews all proposed undercover operations that involve sensitive circumstances.
- There also is a Criminal Informant Review Committee, comprised of senior FBI and DOJ officials, which provides oversight over several categories of human sources, such as high-level criminal informants and long-term sources.
- External controls
 - Congressional Oversight
 - Legal protections
 - The Foreign Intelligence Surveillance Act of 1978
 - The Whistleblower Protection Acts of 1989 and 1998
 - The Freedom of Information Act of 1966
 - The Privacy Act of 1974
 - DOJ:
 - National Security Division's Oversight Section regularly reviews of all aspects of FBI national security and foreign intelligence activities for compliance with the Guidelines and other applicable requirements. To facilitate this oversight, the FBI must notify NSD of all full investigations that involve foreign intelligence collection or investigation of U.S. persons in relation to threats of the national security; must provide annual reports; and must provide NSD access to information obtained by the FBI through national security or foreign intelligence activities.
 - Office of Intelligence Policy and Review, monitors intelligence and counterintelligence investigations conducted by U.S. intelligence agencies and provides Congress a series of semi-annual reports on various aspects of the FBI's counterintelligence operations.

- Intelligence Oversight Board
- U.S. Attorneys
- Inspector General

Use of the Assessment in practice:

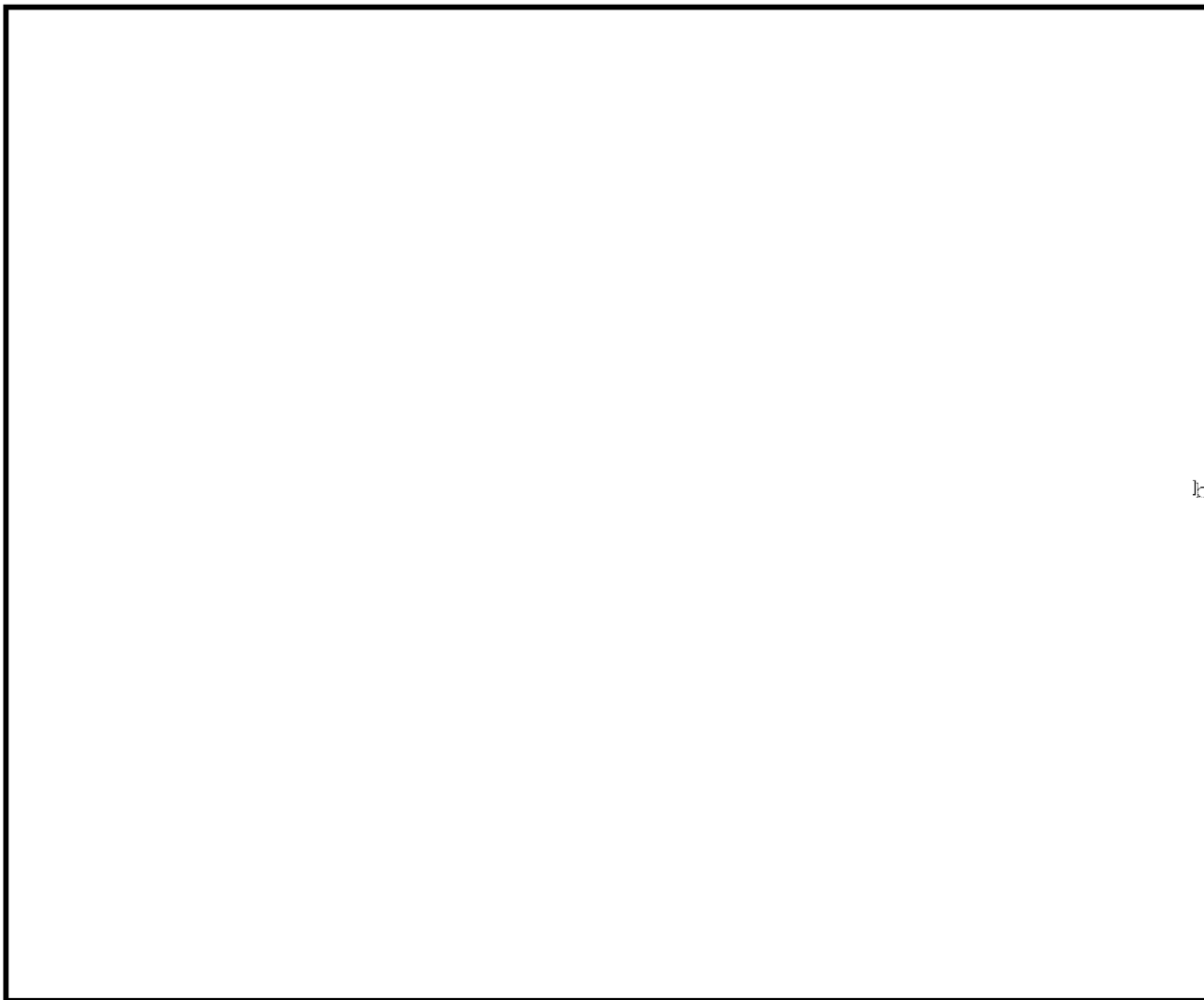
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- Obtain information to study a pattern of activity –



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Serial Description ~ Unrecorded Serial

Serial	Description	Unrecorded Serial
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2	2	2
3	3	3
4	4	4
5	5	5
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7	7	7
8	8	8
9	9	9
10	10	10
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