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MIOG PART 1 SECTION 100 MIOG PART 1 SECTION 100. TERRORISM ENTERPRISE INVESTIGATIONS

SENSITIVE

| (ALSO SEE MIOG, PART 1, 137-4 |AND 270-4(8) .)|

**EffDte: 02/02/2004 MCRT#: 1308 Div: CT Cav: SecCls:

100-1 GENERAL PROVISIONS

*EffDte: 12/10/1991 MCRT#: 0 Div: CT Cav: SecCls:

100-1.1 Investigative Jurisdiction

Investigations by the FBI under this section are based on the Attorney General's Guidelines on General Crimes, Racketeering Enterprise, and Terrorism Enterprise Investigations (AGG). These Guidelines, which became effective May 30, 2002, rescind all previous versions of the General Crimes Guidelines. The full text of the Guidelines is set forth in the Introduction, 1-3, of this manual. Some sections of the Guidelines, such as the "General Principles," "Preliminary Inquiries," the rules governing the "Investigative Techniques," and "Dissemination and Maintenance of Information" have general applicability to all investigations and should be consulted when appropriate. Section III, Part B, governing Terrorism Enterprise investigations, together with a commentary on key provisions relating to them, is set forth below in 100-1.2 and 100-1.2.1 :

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100-1.2 Terrorism Enterprise Investigations (See MIOG, Introduction, 1-3, and Part 1, 100-1.1 .)

"This section focuses on investigations of enterprises that seek to further political or social goals through activities that involve force or violence, or that otherwise aim to engage in

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| domestic terrorism (as defined in Title 18, USC, Section 2331 (5))
 | or domestic terrorism-related crimes. Like the section addressing
 racketeering enterprise investigations, it is concerned with the
 investigation of entire enterprises, rather than just individual
 participants and specific criminal acts, and authorizes investigations
 to determine the structure and scope of the enterprise, as well as the
 relationship of the members." (AGG III.B.)

| Commentary: However, all international terrorism investigations--to
 | include investigations of groups and organizations--shall be conducted
 | pursuant to the Attorney General's Guidelines for FBI National
 | Security Investigations and Foreign Intelligence Collection (NSIG),
 | effective October 31, 2003, and within the 315 classification. See
 | Section 19 of the National Foreign Intelligence Program Manual
 | (NFIPM).|

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100-1.2.1 Commentary (See MIOG, Part 1, 100-1.1 .)

(1) These Guidelines provide guidance for general crimes and criminal intelligence investigations. The standards and requirements set forth herein govern the circumstances under which such investigations may begin and the permissible scope, duration, subject matters, and objectives of these investigations. They do not limit activities carried out under the Attorney General Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective October 31, 2003, which address such matters as investigations and information collection relating to international terrorism, foreign counterintelligence, or foreign intelligence.

(2) The rules governing Terrorism Enterprise investigations allow the FBI to cross organizational lines without regard to what a particular group or element of an organization might call itself. Thus, persons who provide safehouses, money, weapons, or otherwise knowingly support the criminal activities of the terrorist enterprise can be investigated as part of the same enterprise.

(3) Preliminary inquiries and investigations governed by the Guidelines applicable to all criminal violations are conducted for the purpose of preventing, detecting, or prosecuting violations of federal law. The FBI shall fully utilize the methods authorized by these Guidelines to maximize the realization of these objectives.

(a) The conduct of preliminary inquiries and investigations may present choices between the use of investigative methods which are more or less intrusive, considering such factors as the effect on the privacy of individuals and potential damage to reputation. Inquiries and investigations shall be conducted with as little intrusion as the needs of the situation permit. It is

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recognized, however, that the choice of techniques is a matter of judgment. The FBI shall not hesitate to use any lawful techniques consistent with the Guidelines, even if intrusive, where the intrusiveness is warranted in light of the seriousness of a crime or the strength of the information indicating its commission or potential future commission. This point is to be particularly observed in the investigation of terrorist crimes and in the investigation of enterprises that engage in terrorism. All preliminary inquiries shall be conducted pursuant to the General Crimes Guidelines. There is no separate provision for preliminary inquiries under the Criminal Intelligence Guidelines because preliminary inquiries may be carried out not only to determine whether the grounds exist to commence a general crimes investigation, but alternatively or in addition to determine whether the grounds exist to commence terrorism enterprise investigation. A preliminary << inquiry >> shall be promptly terminated when it becomes apparent that a full investigation is not warranted. If, on the basis of information discovered in the course of a preliminary << inquiry >>, an investigation is warranted, it may be conducted as a general crimes investigation, or a criminal intelligence investigation, or both. All such investigations, however, shall be based on a reasonable factual predicate and shall have a valid law enforcement purpose.

(b) In its efforts to anticipate or prevent crime, the FBI must at times initiate investigations in advance of criminal conduct. It is important that such investigations not be based solely on activities protected by the First Amendment or on the lawful exercise of any other rights secured by the Constitution or laws of the United States. When, however, statements advocate criminal activity or indicate an apparent intent to engage in crime, particularly crimes of violence, an investigation may be warranted unless it is apparent, from the circumstances or the context in which the statements are made, that there is no prospect of harm.

(c) Nothing prohibits the FBI from ascertaining the general scope and nature of criminal activity in a particular location or sector of the economy, or from collecting and maintaining publicly available information consistent with the Privacy Act. Criminal intelligence investigations shall be terminated when all logical leads have been exhausted and no legitimate law enforcement interest justifies continuance.

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100-1.2.2. General Authority (See MIOG, Introduction, 1-3.)

"a. A terrorism enterprise investigation may be initiated when the facts or circumstances reasonably indicate that two or more persons are engaged in an enterprise for the purpose of:

- (i) furthering political or social goals, wholly or in part, through activities that involve force or violence and a violation of

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federal criminal law, (ii) engaging in terrorism as defined in 18 U.S.C. 2331(1) or (5) that involves a violation of federal criminal law, or (iii) committing any offense described in 18 U.S.C. 2332b(g)(5)(B). A terrorism enterprise investigation may also be initiated when facts or circumstances reasonably indicate that two or more persons are engaged in a pattern of racketeering activity as defined in the RICO statute, 18 U.S.C. 1961(5), that involves an offense or offenses described in 18 U.S.C. 2332b(g)(5)(B). The standard of 'reasonable indication' is identical to that governing the initiation of a general crimes investigation under Part II. In determining whether an investigation should be conducted, the FBI shall consider all of the circumstances including: (i) the magnitude of the threatened harm, (ii) the likelihood it will occur, (iii) the immediacy of the threat, and (iv) any danger to privacy or free expression posed by an investigation." (AGG III.B.1.a) (See MIOG, Part 1, 100-2.3 .)

"b. Authority to conduct terrorism enterprise investigations is in addition to general crimes investigative authority under Part II, racketeering enterprise investigative authority under Subpart A of the AGG Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations, and activities under other Attorney General guidelines addressing such matters as investigations and information collection relating to international terrorism, foreign counterintelligence, or foreign intelligence. Information warranting initiation of a terrorism enterprise investigation may be obtained during the course of a general crimes << inquiry >> or investigation, a racketeering enterprise investigation, or an investigation under other Attorney General guidelines. Conversely, a terrorism enterprise investigation may yield information warranting a general crimes << inquiry >> or investigation, a racketeering enterprise investigation, or an investigation under other Attorney General guidelines." (AGG III.B.1.b)

| Commentary: However, all international terrorism investigations--
| to include investigations of groups and organizations--shall be
| conducted pursuant to the Attorney General's Guidelines for FBI
| National Security Investigations and Foreign Intelligence Collection
| (NSIG), effective October 31, 2003, and within the 315 classification.
| See Section 19 of the National Foreign Intelligence Program Manual
| (NFIPM).|

"c. Mere speculation that force or violence might occur during the course of an otherwise peaceable demonstration is not sufficient grounds for initiation of an investigation under the terrorism enterprise investigation subpart of the AG Guidelines, but where facts or circumstances reasonably indicate that a group or enterprise has engaged or aims to engage in activities involving force or violence or other criminal conduct described in paragraph a. above in a demonstration, an investigation may be initiated in conformity

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with the standards of that paragraph. For alternative authorities see Part II of the AG Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations relating to General Crimes Investigations and the Attorney General's Guidelines on 'Reporting on Civil Disorders and Demonstrations Involving a Federal Interest.' This does not limit the collection of information about public demonstrations by enterprises that are under active investigation pursuant to paragraph a. above." (AGG III.B.1.c)

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100-1.2.3 | Checking of Leads and Preliminary Inquiries (See MIOG, Introduction, 1-3 .)

(1) The lowest level of investigative activity is the "prompt and extremely limited checking out of initial leads," which should be undertaken whenever information is received of such a nature that some follow-up as to the possibility of criminal activity is warranted. This limited activity should be conducted with an eye toward promptly determining whether further investigation (either a preliminary << inquiry >> or a full investigation) should be conducted.

(2) Preliminary Inquiries

(a) All preliminary inquiries will be conducted pursuant to the General Crimes Guidelines. There is no separate provision for a preliminary << inquiry >> in the Racketeering Enterprise or [Terrorism Enterprise] Sections of the Guidelines because preliminary inquiries under Part II may be carried out not only to determine whether grounds exist to commence a general crimes investigation under Part II of the General Crimes Guidelines, but alternatively or in addition to determine whether the grounds exist to commence a racketeering enterprise investigation or terrorism enterprise investigation under Part III of the General Crimes Guidelines. You must rely on the authority in the General Crimes Preliminary Inquiries Section to follow up on information or allegations that do not warrant a full Terrorism Enterprise investigation. A preliminary << inquiry >> shall be promptly terminated when it becomes apparent that a full investigation is not warranted. If, on the basis of information discovered in the course of a preliminary << inquiry >>, an investigation is warranted, it may be conducted as a general crimes investigation, or a criminal intelligence investigation, or both. All such investigations, however, shall be based on a reasonable factual predicate and shall have a valid law enforcement purpose. (See AGG Introduction, Part A, and AGG, Part II, B contained in MIOG, Introduction 1-3 .)

(b) [A preliminary << inquiry >> should be undertaken when there is information or an allegation which indicates the possibility of criminal activity and whose responsible handling requires some further scrutiny beyond checking initial leads. This authority allows FBI Agents to respond to information that is ambiguous or incomplete.

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Even where the available information meets only this threshold, the range of available investigative techniques is broad. Only mail openings and nonconsensual electronic surveillance are prohibited at the preliminary << inquiry >> stage. Other methods, including the development of sources and informants and undercover activities and operations, are permitted. The tools lawfully available to develop information sufficient for the commencement of a full investigation, or determining that one is not merited--the purpose of a preliminary << inquiry >> --should be fully employed in preliminary investigations with a view towards preventing terrorist activities.

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100-2 FULL-FIELD TERRORISM ENTERPRISE INVESTIGATIONS

Per Title 18, USC, Section 2331, Domestic Terrorism means activities occurring primarily within the territorial jurisdiction of the United States that involve acts dangerous to human life that are a violation of the criminal laws of the United States or any state and appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by mass destruction, assassination, or kidnapping.

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100-2.1 Purpose (See MIOG, Introduction, 1-3 .)

"The immediate purpose of a terrorism enterprise investigation is to obtain information concerning the nature and structure of the enterprise, as specifically delineated in paragraph [b.] below, with a view to the longer range objectives of detection, prevention, and prosecution of the criminal activities of the enterprise." (AGG III.B.2) (Also see 100-2.2 .)

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100-2.2 Scope (See MIOG, Part 1, 100-2.1 .)

"a. A terrorism enterprise investigation may collect such information as:

"(i) the members of the enterprise and other persons... likely to be knowingly acting in furtherance of its criminal objectives provided that the information concerns such persons' activities on behalf or in furtherance of the enterprise;

"(ii) the finances of the enterprise;

"(iii) the geographical dimensions of the enterprise; and

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"(iv) past and future activities and goals of the enterprise.

"b. In obtaining the foregoing information, any lawful investigative technique may be used in accordance with requirements of Part IV." (AGG III.B.3)

(1) Factors that may support the initiation of a terrorism enterprise investigation (TEI), include:

(a) Direct Evidence of an enterprise's involvement in or planning for the commission of a federal offense involving the use of force or violence to further political or social goals;

(b) Terrorism as defined in Title 18, USC, Section 2331 (1) or (5); or

(c) A crime described in Title 18, USC, Section 2332b(g)(5)(B).

Such as direct information about statements made in furtherance of the enterprise's objectives which show a purpose of committing such crimes or securing their commission by others.

(d) The nature of the conduct engaged in by an enterprise will justify an inference that the standard is satisfied, even if there are no known statements by participants that advocate or indicate planning for violence or other prohibited acts.

Such activities as attempting to obtain dangerous biological agents, toxic chemicals, or nuclear materials, or stockpiling explosives or weapons, with no discernible lawful purpose, may be sufficient to reasonably indicate that an enterprise aims to engage in terrorism.

(e) A group's activities and the statements of its members may properly be considered in conjunction with each other. A combination of statements and activities may justify a determination that the threshold standard for a TEI is satisfied, even if the statements alone or the activities alone would not warrant such a determination.

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100-2.3 Authorization and Renewal (See MIOG, Introduction, 1-3 .)

(1) Under the revisions approved by the Attorney General, terrorism enterprise investigations may be authorized by an SAC, with notification to FBIHQ, and a written recommendation setting forth the facts and circumstances reasonably indicating the existence of an enterprise.

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[However, all international terrorism investigations--to include investigations of groups and organizations--shall be conducted pursuant to the Attorney General's Guidelines for FBI National Security Investigations and Foreign Intelligence Collection (NSIG), effective October 31, 2003, and within the 315 classification. See Section 19 of the National Foreign Intelligence Program Manual (NFIPM).]

(2) [With regard]to terrorism enterprise investigation preliminary inquiries (PI), it is hereby the policy of the Counterterrorism Division (CTD) that, consistent with the revised AGG, a terrorism enterprise investigation preliminary << inquiry >> may be authorized by an SAC for a period not to exceed 180 days, with the ability to renew or extend the term of the terrorism enterprise investigation preliminary << inquiry >> an additional 180 days, for a total of 360 days. If the field division intends to operate the terrorism enterprise investigation preliminary << inquiry >> longer than 360 days without converting the preliminary << inquiry >> to a full-field investigation, the SAC must articulate to CTD the justification for continued operation of the investigation as a preliminary << inquiry >>. Ultimately, FBIHQ will approve or disapprove the continued operation of the terrorism enterprise investigation preliminary << inquiry >>.

(3) [With regard]to full-field terrorism enterprise investigations of domestic terrorism, it is hereby the policy of the CTD that, consistent with the AGG on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations, a full-field terrorism enterprise investigation may be authorized by an SAC only with concurrence of the Section Chief of the Domestic Terrorism Operations Section in CTD, FBIHQ. FBIHQ concurrence shall be obtained by routing a preapproved copy of the LHM and opening electronic communication (EC) to FBIHQ. The EC will contain the name of the Section Chief of the Domestic Terrorism Operations Section, CTD, in the approval field.

(4) All written submissions to FBIHQ providing notice of the initiation of a terrorism enterprise investigation preliminary << inquiry >> or notice and request for concurrence for the initiation of a full-field terrorism enterprise investigation shall be submitted by an LHM 14 days prior to conducting any significant investigation and include a written recommendation setting forth the facts and circumstances reasonably indicating the existence of an enterprise.

(5) Full-field terrorism enterprise investigations shall be concurrently authorized by the SAC and the Section Chief of the Domestic Terrorism Operations Section, CTD, at FBIHQ for a period of up to one year, with renewal periods each not to exceed one year. There are no restrictions on the number of renewals for full-field terrorism enterprise investigations. In addition to the SAC, the

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Director, and any Assistant Director or senior headquarters official designated by the Director, may authorize, renew, review, and reopen terrorism enterprise investigations.

(6) Once the terrorism enterprise investigation has been initiated and notice provided to FBIHQ, then FBIHQ shall notify the Office of Counterterrorism of the Criminal Division, Department of Justice (DOJ), and the Office of Intelligence, Policy and Review and any affected United States Attorney's Office. Further notice to be immediately provided by TVCS to the AG and Deputy AG.

(7) To facilitate coordination of terrorism enterprise investigations, CTD requests field division cooperation by first coordinating the initiation of any terrorism enterprise investigation preliminary << inquiry >> or full-field investigation with the appropriate CTD personnel. Further, field divisions should provide notification of the initiation of all full-field terrorism enterprise investigations via LHM/EC within 14 days of conducting any significant investigation so that the DOJ can be promptly notified. Field divisions are requested to conduct logical queries of ACS to ensure that a full-field terrorism enterprise investigation has not already been initiated on the enterprise of interest. If a full-field terrorism enterprise investigation does already exist, the field division should contribute intelligence information to the existing terrorism enterprise investigation's universal file. CTD will not provide concurrence for the initiation of multiple full-field terrorism enterprise investigations on the same group unless the supporting field division can distinguish the proposed full-field terrorism enterprise investigation from an existing full-field terrorism enterprise investigation.

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100-2.3.1 Commentary

There has been a tendency in the past to close investigations and terminate informant coverage when the violent activity of the group has been dormant for a period of time. The AGG (Part III.B.4.c) permits the FBI to monitor organizations that may be temporarily inactive, but whose prior record or stated objectives indicate a need for continuing federal interest, so long as the threshold standard for investigation is satisfied. Under those circumstances, the investigation may remain in a pending status, and informant coverage can be maintained to the extent necessary to determine whether there is any change in the criminal objectives of the enterprise. The ability to continue an investigation, despite temporary inactivity of acts of violence or lack of immediate threat, is often referred to as the "dormancy provision" of the AGG and is a significant advantage that Terrorism Enterprise (100) investigations afford over AOT (266) cases.

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100-3 RESULTS OF INVESTIGATION

**EffDte: 12/10/1991 MCRT#: 0 Div: CT Cav: SecCls:

100-3.1 Reporting

(1) The contents of communications which report the results of Terrorism Enterprise investigations should be limited to information about the criminal enterprise under investigation. Recommendations, opinions, and conclusions of the FBI should be included in the administrative portion of the communication, or in the case of letterhead memoranda (LHM), in the cover electronic communication (EC). In preparing LHMs which are disseminated to the Terrorism and Violent Crime Section, Office of Intelligence Policy and Review, Department of Justice, and to other agencies on a need-to-know basis, emphasis should be placed on factual accuracy.

(2) In all communications submitted under a Terrorism Enterprise caption, a statement indicating the authorized period of investigation should be set forth. This statement should be placed after the case caption and after referencing previous communications. For example:

"XYZ ORGANIZATION;
TERRORISM ENTERPRISE;
OO: NEW YORK";

"Reference New York EC to Director, DATE."

"Terrorism Enterprise investigation authorized DATE to expire DATE."

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100-3.1.1 Deadlines (See MAOP, Part 2, 10-9(23) .)

(1) When a terrorism enterprise investigation preliminary << inquiry >> and/or a full-field terrorism enterprise investigation is completed or nearing expiration, the results of the investigation are to be furnished to FBIHQ in an LHM with a cover EC recommending an extension or closing of the matter. This report is due no later than 180 days after the initiation of a preliminary << inquiry >> and 365 days for a full-field investigation. These reports should be presented in a summary, narrative form, containing specific and articulable facts adequate to meet the "reasonable indication" standard of the Attorney General's Guidelines for renewal, or sufficient information which warrants the investigation being placed in a closed status. Any recommendations, opinions or conclusions of the FBI should be included in the cover EC, but not in the LHM. The

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cover EC should also include a paragraph which sets forth future investigative and prosecutive goals and a paragraph which sets forth the investigative strategy to be implemented in order to attain these goals. The investigative goals paragraph may include objectives which relate to the improvement of the intelligence base, use of technical or undercover techniques, or any other vulnerability which can be exploited. The investigative strategy paragraph(s) should describe how these goals and objectives will be reached during the next year. The LHM and cover EC (hard copy) should be submitted to arrive at FBIHQ at least ten workdays prior to the expiration of the current authorization period and should be organized as follows:

(a) Predication - This should include a paragraph(s) relating the circumstances which caused a full investigation of the captioned group or individuals to be initiated.

(b) Background Information on Group - In addition to a description of the group under investigation, this section should include, but not be limited to, the following:

1. Specific criminal acts the group has committed, or is advocating, to achieve its political or social goals.
2. Key leaders and members of the group.
3. Finances of the group.
4. Geographical dimensions of the group.
5. Planned activities and goals of the group.
6. Association with other organizations/groups which are subjects of an FBI terrorism enterprise investigation.

(c) Activities during the last year - This section should include a summary of investigative results of the office of origin and all lead offices.

(d) Justification for Continuation of Investigation - This segment should set forth in succinct detail how the facts of this investigation conform with the Attorney General's Guidelines for terrorism enterprise investigations. It should contain a paragraph(s) which reasonably indicates that two or more persons are continuing to engage in an enterprise for the purpose of 1) furthering political or social goals, wholly or in part, through activities which involve force or violence and a violation of federal criminal law; 2) engaging in terrorism as defined in Title 18, USC, Section 2331(1) or (5) that involves a violation of federal criminal law, or 3) committing any offense described in Title 18, USC, Section 2332b(g)(5)(B). A terrorism enterprise investigation may also be initiated when facts or circumstances reasonably indicate that two or more persons are engaged

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in a pattern of racketeering activity as defined in the RICO statute (Title 18, USC, Section 1961(5)), that involves an offense(s) described in Title 18, USC, Section 2332b(g)(5)(B).

(2) The due date of this report is calculated from the date the terrorism enterprise investigation was approved by the SAC for a preliminary << inquiry >> and FBIHQ for a full-field investigation. After 180 days (for a preliminary << inquiry >>) and the first year (for a full-field investigation), the office of origin should continue to submit reports in ongoing investigations. These reporting deadlines allow for compliance with the requirements of the Attorney General Guidelines and do not preclude, nor should they discourage, the reporting of results of investigation by EC, telephone, or other form of communication to FBIHQ and pertinent field offices during the course of the investigation. Significant data developed during the year which requires notification to FBIHQ or dissemination to other agencies, should be submitted by EC, LHM, or telephone, depending on the exigencies of the situation. Communications containing information of interest for other agencies should be prepared in a form suitable for dissemination. Significant information furnished on an interim basis should also be included in the next regularly scheduled report.

(3) Communications (hard copies) approving an extension of Terrorism Enterprise investigations should be received at FBIHQ no later than ten workdays prior to the expiration of such matters.

(4) Deleted

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100-3.1.2 Predications

In Terrorism Enterprise investigations, the basis for the investigation shall be set forth as the first paragraph in the details of the initial LHM. Formal predications are not required. A statement including pertinent portions of the Attorney General Guidelines is sufficient.

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100-3.1.3 Documentation of Information

All communications should be limited to documented information relevant to the scope of the investigation. No information should be reported concerning an individual's social or personal habits or other background data which is not relevant to an assessment of his/her activities or affiliation with the enterprise under investigation.

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100-3.1.4 Undisclosed Sources

(1) Where the identity of the source of information is not disclosed in a Terrorism Enterprise report, an assessment of the reliability of the source shall be provided.

(2) In all communications, the source of the information should be identified by symbol number or name in either the cover pages or administrative section of the communication.

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100-3.1.5 Characterizations

(1) A characterization of the group should be included as part of the initial LHM submitted. Characterizations should be outlined as the first paragraph of the LHM or as an appendix to the LHM.

(2) This instruction eliminates the previous reporting requirement of providing characterizations of subversive organizations. All characterizations should include a statement regarding the political or social goals which the group hopes to achieve through violence, its geographic area of operation, and a summary of the violence or criminal activity it either has been involved in or is advocating in the future. In instances where only advocacy of violence is present, a statement should also be included regarding the ability of group members to carry it out and the likelihood of the harm intended. (For further instructions on the preparation of characterizations, see Part II, 10-17.13, of the Manual of Administrative Operations and Procedures.)

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100-3.1.6 Character

The designation "Terrorism Enterprise" should be used in all cases, e.g., "(Name of Organization); Terrorism Enterprise." If a subsidiary or front group is involved, include the name or abbreviation of the parent organization, e.g., "(Name of Organization); Terrorism Enterprise- (Name of Subsidiary Organization)."

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100-3.1.7 Copies - Annual and Renewal Reports

Five copies of reports should be submitted to Domestic Terrorism Section, FBIHQ, unless instructed otherwise in specific

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cases. The office of origin should also provide information copies of these reports to involved field offices.

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100-3.1.8 Informant Coverage

Cover|electronic communications|should include a brief summary of informant coverage available with respect to a group or enterprise, identifying informants who report on the group's activities by symbol number, and showing specifically which informants are members of the group.

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100-3.1.9 Office of Origin

The field office wherein the criminal enterprise is |headquartered, or|where terrorism|activities largely|occur,|or impact upon, should be designated as origin. In unusual circumstances where there is doubt which office should be origin, a request should be made to FBIHQ to designate an office of origin. In cases where the office of origin receives information that a criminal enterprise has changed its area of operation to the territory of another division, and justification to investigate exists based on the criminal enterprise's current activities, the office of origin should request verification of this information to be completed within 30 days. If the new area of operation is confirmed, the office of origin will be transferred. The level of investigation being conducted by the previous office of origin should be continued by the new office of origin unless facts, in addition to the criminal enterprise's relocation, indicate that another form of investigation is more appropriate. Reporting deadlines applicable to the former office of origin are to be followed by the new office of origin.

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100-3.2. Additional Reporting Requirements

The following reporting requirements are separate from, |and in addition to, the|biannual/yearly|reports requesting renewal authorization or recommending the closing of an investigation outlined above:

(1) BASIS FOR ADDITIONAL REPORTING - Past investigation of domestic terrorist organizations has demonstrated that in order to achieve success in these cases the primary thrust must be prosecutive; however, experience has also shown that a successful prosecution against a terrorist enterprise does not necessarily mean its demise.

(a) During the course of a criminal intelligence

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investigation, specific articulable criminal violations may be identified which would reasonably indicate enforcement activity or court proceedings (e.g., arrest, discovery hearings, etc.) will occur. At that time, a general criminal investigation (266 case) should be opened to focus upon the specific criminal activity. The criminal intelligence investigation (100 case) would continue to focus on the entire enterprise, as the scope of the AOT case may be limited to a relatively small portion of the total activity of that enterprise.

(b) While it may be appropriate for all investigative results generated from an AOT (266) case to be placed in the corresponding 100 file, the converse is not true. Only those details in the 100 case which specifically pertain to the subjects of the AOT case should be placed in the 266 file.

(2) ADDITIONAL REPORTING PROCEDURES - In order to mandate the essential analysis of these groups and to provide for a more adequate and efficient intelligence base in terrorism enterprise investigations, the following reporting procedures shall be followed.

(a) In addition to the submission of a biannual/annual report requesting renewal authorization or closing of an investigation, the office of origin will also submit separate investigative inserts on individual members of the enterprise, and other persons likely to be knowingly acting in furtherance of its criminal objectives, using the following format:

1. Name and known aliases of subject;
2. Biographical data to include: date of birth, place of birth, height, weight, eye and hair color, social security account number, distinguishing marks or characteristics, build, past and current addresses, past and current phone numbers, educational background, employment (past and present), and criminal record to include dates, offense, location, disposition, and FBI, state and local agency identifying numbers. Also include Henry and NCIC fingerprint classifications.
3. Short narrative explaining the role or position of the subject in the group or enterprise, including any known or suspected criminal activity in which the subject is or has been involved.
4. Summary of subject's travel, domestic and foreign, including dates and points of travel. Also, detail nature of contacts that subject has had with other groups or enterprises under investigation.
5. Statement of subject's source of finances, if known.

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6. Glossy 3- by 5-inch photograph of member, if available. If not available, efforts should be made to obtain one.

(b) In cases where a subject(s) resides within a lead office territory, the lead office will prepare inserts as above, and forward them to the office of origin 30 days prior to the expiration of the current authorization. This will be incorporated into the office of origin's submission to FBIHQ.

(c) Following the initial submission of these inserts, follow-up inserts should contain only information which has changed since the last reporting. Photographs of subjects should be updated at least annually.

(d) To facilitate the preparation of these inserts, subfiles for each subject should be created which will provide appropriate documentation and retrieval capability.

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| 100-4 PUBLICATIONS OF|TERRORISM ENTERPRISE|ORGANIZATIONS; COLLECTION OF PUBLICLY AVAILABLE INFORMATION

(1) The Attorney General Guidelines on General Crimes, Racketeering Enterprise, and Terrorism Enterprise Investigations allow the FBI to collect publicly available information subject to the constraints of the federal Privacy Act of 1974. This Act prohibits the collection, maintenance and dissemination of any record describing how an individual exercises First Amendment Rights, except when authorized by statute, or when pertinent to and within the scope of an authorized law enforcement activity.

(2) The FBI, in this regard, is authorized to collect general information which is available to every citizen even though there is no active investigation. Examples of information we may collect is that which is obtainable through the printed news media data banks, e.g., The NEW YORK TIMES Data Bank, public libraries, newspapers, magazines, and publicly available databases. This type of material is collected as library material, and should not be indexed as to particular individuals or placed in FBI files.

(3) Publications issued by a group which is the subject of an investigation can be collected. This type of material can be indexed as to particular individuals and can be made a part of the investigative file.

(4) All information received or made available to the FBI during the course of an investigation should be evaluated for its pertinence to the investigation. This is particularly true when the information concerns the exercise of an individual's or group's First

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Amendment rights. In such cases, the information concerning the exercise of First Amendment rights should be made a matter of record only if it is pertinent to and within the scope of an authorized law enforcement activity. (See MIOG, Introduction, 1-4 ; Part 1, 190-5.1 ; MAOP, Part 2, 9-4.4.2(2) .)

(5) When public-source printed material concerning the exercise of First Amendment rights is obtained and a decision made to retain such material, a notation must be placed on the material describing the reason(s) it was collected and retained. The notation must clearly indicate the specific investigative interest(s) which led to the decision to retain the item.

(6) Certain printed public source material may contain a characterization of a group, individual or activity. When such information is disseminated to FBIHQ, FBI field offices or outside the FBI, the transmitting communication should state that the characterization has not been made by the FBI, but by a third party. However, if the characterization comports in whole or in part with the results of independent FBI investigation, the transmitting communication may so state.

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| 100-5 |DELETED (SEE MIOG, PART 1, SECTION 294 .)|

**EffDte: 06/15/2000 MCRT#: 992 Div: CT Cav: SecCls:

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