EXHIBIT 9

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-03-2018 BY [redacted] NSICG

b6 -1
b7C -1

Legal/Policy Refresher: Domestic Terrorism Investigations

[redacted]

b6 -1
b7C -1

Investigative Law Unit

March 2018

~~ATTORNEY WORK PRODUCT~~
UNCLASSIFIED//FOUO

FBI(17cv9343)-193

EXHIBIT 10

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-03-2018 BY [redacted] NSICG
b6 -1
b7C -1

Legal Issues in Social Media Analysis

[redacted]

Office of the General Counsel

[redacted]

b6 -1
b7C -1

The Privacy Act

- Publicly available information collected from social media websites, to include [redacted] will contain First Amendment protected speech for purposes of the Privacy Act, even though it's publicly available

b7E -3

- Make sure your collection of this data is pertinent to and within the scope of an authorized law enforcement activity

EXHIBIT 11

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-05-2018 BY [redacted] NSICG

b6 -1
b7C -1

Privacy & Civil Liberties Training: Social Media Tools

AGC [redacted]
Acting UC [redacted]
Acting Section [redacted]

b6 -1
b7C -1

Privacy & Civil Liberties Unit
Office of the General Counsel

February 2018

Overview

- [redacted] b7E -5
- Approved [redacted] b7E -5
  - [redacted]
  - [redacted]
- Main Privacy & Civil Liberties Concerns:
  - Potential collection of 1st Amendment protected speech/freedom of association information & personally identifiable information (PII).

EXHIBIT 12

ALL INFORMATION CONTAINED
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DATE 07-05-2018 BY [redacted] NSICG

b6 -1
b7C -1

Privacy & Civil Liberties Training: Social Media Tools

AGC [redacted]
Acting UC [redacted]
Acting Section [redacted]

b6 -1
b7C -1

Privacy & Civil Liberties Unit
Office of the General Counsel

February 2018

Mitigating Privacy & 1st Amendment Concerns

- All tools:
  - Requires relevancy determination before information may be manually transferred to FBINet for case file collection.
  - [redacted] b7E -5
- [redacted] b7E -5
- [redacted] b7E -5
- [redacted] b7E -5
- [redacted] b7E -5

EXHIBIT 13

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 07-03-2018 BY [redacted] NSICG

b6 -1
b7C -1

Privacy and Civil Liberties Training for the [redacted]

b7E -5

[redacted]

AGC [redacted]
Privacy And Civil Liberties Unit
Office of the General Counsel

b6 -1
b7C -1

Mitigating privacy and First Amendment concerns

- [redacted] was designed with privacy mitigations in mind b7E -5
  - There are no automated searches or collection of data on the system. All information is purged daily.
  - Users must make a determination that the First Amendment protected speech they have found using [redacted] is relevant to their law enforcement activity. Only then can the information be manually transferred to FBINet for collection in the case file. b7E -5
  - [redacted] b7E -5

EXHIBIT 14

b7E -6

(U//~~FOUO~~)

b7E -6

16.9.2 ***(U//~~FOUO~~)***

b7E -6

(U//~~FOUO~~)

16.9.3 ***(U//~~FOUO~~)***

b7E -6

(U//~~FOUO~~)

A) (U//~~FOUO~~)

b7E -6

b7E -6

B) (U//~~FOUO~~)

b7E -6

1) (U//~~FOUO~~)

b7E -6

2) (U//~~FOUO~~)

b7E -6

3) (U//~~FOUO~~)

b7E -6

a) (U//~~FOUO~~)

b7E -6

b) (U//~~FOUO~~)

b7E -6

b7E -6

[redacted]

18.5.6.4.7 *(U) WHITE HOUSE PERSONNEL*

(U//~~FOUO~~) FBI employees may accept information offered by White House personnel just as they would accept information from other sources, and they may act upon it accordingly. [redacted] b7E -6

[redacted] Additional guidance regarding contact with White House personnel may be found in the AG Memorandum captioned "Communications with White House and Congress" dated May 11, 2009. (See DIOG Appendix D) *Note:* [redacted]

18.5.6.4.8 *(U) MEMBERS OF THE NEWS MEDIA*

18.5.6.4.8.1 **(U) APPROVAL REQUIREMENTS**

(U) Attorney General approval, including notice to the Director of the DOJ's Office of Public Affairs, must be obtained prior to conducting an interview of a member of the news media for any offense which the member of the news media is suspected of having committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of his/her official duties as a member of the news media. [redacted] b7E -6

(U//~~FOUO~~) Requests for this approval must be submitted with an EC to the AD of the operational FBIHQ division that is responsible for the investigative classification and the AD of the Office of Public Affairs (OPA). The requesting EC must be reviewed by the CDC and approved by the SAC after coordinating the request with the local USAO. The EC must contain the necessary facts and investigative justification for the interview consistent with the DOJ guidelines set forth in 28 C.F.R. § 50.10(f). [redacted] b7E -6

(U) *Note:* 28 C.F.R. § 50.10(b)(1)(ii) provides guidance on categories of individuals and entities not covered under the requirements set out above.

18.5.6.4.8.1.1 *(U) EXIGENT CIRCUMSTANCES*

(U) [redacted] may authorize the questioning of a member of the news media as described in DIOG subsection *18*.5.6.4.8.1 if he/she determines that exigent use of such a technique is necessary [redacted] b7E -6

FBI(17cv9343)-383

b7E -6

(U)

(U) See also the DOJ News Media Policy Memo, dated February 21, 2014, DOJ News Media Policy, and the DOJ News Media Policy Memo, dated January 14, 2015.

18.5.6.4.8.2 **(U) USE OF SUBTERFUGE WITH A MEMBER OF THE NEWS MEDIA**

(U//~~FOUO~~) To the extent operational needs allow, investigators must operate openly and consensually with members of the news media

b7E -6

After consultation with the OPA and OGC, the AD of the operational division must decide whether to approve the request. If the request requires approval by DOJ (because the interview is related to an offense committed by the member of the news media during the course of news gathering) the AD of the operational division is responsible for submitting all requests for approval to the DOJ per 28 C.F.R. 50.10.

(U//~~FOUO~~) FBIHQ operational division PGs may contain additional notice requirements.

18.5.6.4.9 ***(U) DURING AN ASSESSMENT - REQUESTING INFORMATION WITHOUT REVEALING FBI AFFILIATION OR THE TRUE PURPOSE OF A REQUEST***

A) (U//~~FOUO~~) In the normal course of an interview, an FBI employee should divulge the employee's affiliation with the FBI and the true purpose of the interview.

b7E -6

B) (U//~~FOUO~~)

b7E -6

FBI(17cv9343)-384

18.6.6.3.2 ***(U) DEFINITION OF METHOD***

(U) An NSL is an administrative demand for documents or records that are relevant to a Predicated Investigation to protect against international terrorism or clandestine intelligence activities [redacted] b7E -6

18.6.6.3.3 ***(U) APPROVAL REQUIREMENTS***

(U//~~FOUO~~) Those who approve NSLs are responsible for ensuring the investigative and procedural requirements have been met. They must certify that the information sought by the NSL is relevant to an open, predicated national security investigation. For an NSL to include a nondisclosure provision, the approver must determine that disclosure of the NSL may endanger the national security of the United States; interfere with a criminal, counterterrorism, or counterintelligence investigation; interfere with diplomatic relations; or endanger the life or physical safety of any person. Those who approve NSLs, as well as those designated as acting officials who will approve NSLs, must have completed the Virtual Academy course on NSLs, reviewed DIOG Section 18.6.6. (National Security Letter), and if appropriate, received NSL training from the CDC/ADC or a National Security Law Branch (NSLB) attorney prior to approving NSLs.

(U//~~FOUO~~) The process for creating an NSL involves two documents: the NSL itself and the EC approving the issuance of the NSL. The Director has delegated the authority to sign NSLs to the Deputy Director, Executive Assistant Director, and Associate EAD for the National Security Branch; Assistant Directors and all DADs for the Counterterrorism, Counterintelligence, and Cyber Divisions, and the Weapons of Mass Destruction Directorate; General Counsel; Deputy General Counsel for the National Security Law Branch; Assistant Directors in Charge in New York, Washington, DC, and Los Angeles; and all SACs in all field offices. See EC 333-HQ-A1487720 Serial 515 (May 15, 2012). No other *delegations* are permitted. [redacted]

(U//~~FOUO~~) [redacted] b7E -6

(U//~~FOUO~~) In addition to being signed by a statutorily required approver, an NSL must be approved by a CDC, ADC (or attorney acting in that capacity), or an NSLB attorney.

18.6.6.3.4 ***(U) STANDARDS FOR ISSUING NSLS***

(U//~~FOUO~~) [redacted] b7E -6

FBI(17cv9343)-387

b7E -6

(U//~~FOUO~~)

b7E -6

(U//~~FOUO~~)

b7E -6

(U//~~FOUO~~)

b7E -6

18.6.6.3.5 ***(U) SPECIAL PROCEDURES FOR REQUESTING COMMUNICATION SUBSCRIBER INFORMATION***

(U//~~FOUO~~)

b7E -6

(U//~~FOUO~~)

b7E -6

FBI(17cv9343)-388

believed to establish probable cause and the investigative justification for the arrest, consistent with the DOJ regulations set forth in 28 C.F.R. § 50.10.

(U) *Note:* 28 C.F.R. § 50.10(b)(1)(ii) provides guidance on categories of individuals and entities not covered by, and therefore not entitled to the protections of the DOJ policy set out in 28 C.F.R. § 50.10 .

19.10.1 *(U) EXIGENT CIRCUMSTANCES*

(U) A Deputy Assistant Attorney General (DAAG) for the Criminal Division may authorize the questioning of a member of the news media as described in DIOG subsection 18.5.6.4.8.1.1 above if he/she determines that exigent use of such a technique is necessary [redacted] b7E -6

[redacted]

b7E -6

(U) The requesting field office seeking exigent authority must set out the circumstances that justify seeking exigent approval authority and communicate the basis for the request to [redacted] is then responsible for seeking DAAG approval as set forth in 28 C.F.R. 50.10(f). If the exigent request was made by oral communication and the AG's approval was obtained, the field office is responsible to submit written documentation to [redacted] as soon as practicable, [redacted] after the making the oral request. The [redacted] is responsible to prepare the appropriate written documentation to DOJ, including documenting the receipt of AG approval. This documentation must be electronically placed into the case file.

(U) [redacted] b7E -6

19.11 (U) ARREST OF ARMED FORCES PERSONNEL

(U) The Uniform Code of Military Justice authorizes any commanding officer exercising general court-martial jurisdiction to surrender military personnel under the officer's command to civil authority when the person has been charged with a civil offense. A request for surrender must be accompanied by:

(U) A copy of the indictment, presentment, information, or warrant;

(U) Sufficient information to identify the person sought as the person who allegedly committed the offense; and

(U) A statement of the maximum sentence which may be imposed upon conviction.

(U) Receipts for persons surrendered for civil prosecution should be signed by an official in the USAO, not by an FBI employee.

EXHIBIT 15

CLASSIFIED BY: NSICG
REASON: 1.4 (C,D)
DECLASSIFY ON: 12-31-2041
DATE: 05-08-2018

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

(U) DOMESTIC INVESTIGATIONS AND OPERATIONS GUIDE

(U) Appendix G

(U) Classified Provisions

(U) Version Dated: September 28, 2016

APPENDIX G: (U) CLASSIFIED PROVISIONS

(U) This Part supplements the unclassified provisions of the AGG-Dom and DIOG.

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G.2 (U) Circumstances Warranting a Preliminary or Full Investigation 4

G.3 (U) Determination of United States Person (USPER)Status 5

(U) G.4 ~~(S//NF)~~ Attorney General Threat Country List 6

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G.12 (U) National Security Letters for Telephone Toll Records of Members of the News Media or News Organizations 17

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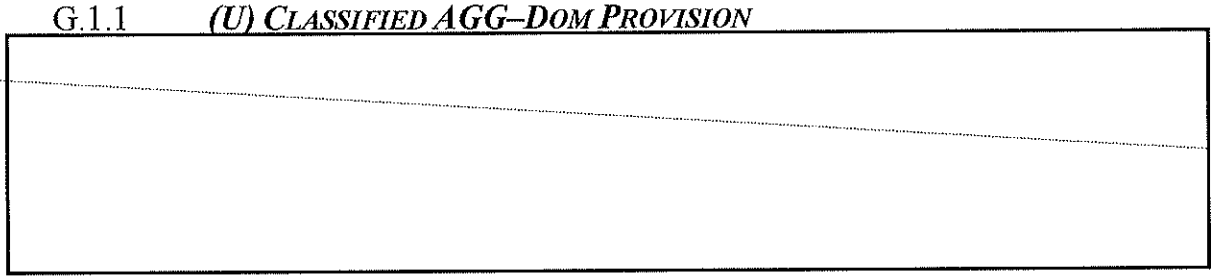
G.14 (U) Recruitment-In-Place Type 5 Assessments ("RIP Type 5") on Subjects of Approved Counterintelligence (CD) Full Investigations 21

~~**Derived from**: Multiple Sources~~
~~**Declassify on**: December 1, 2033~~

G.1 (U) LIMITATION ON CERTAIN SEARCHES

G.1.1 *(U) CLASSIFIED AGG–DOM PROVISION*

(S)



b1 -1
b3 -1

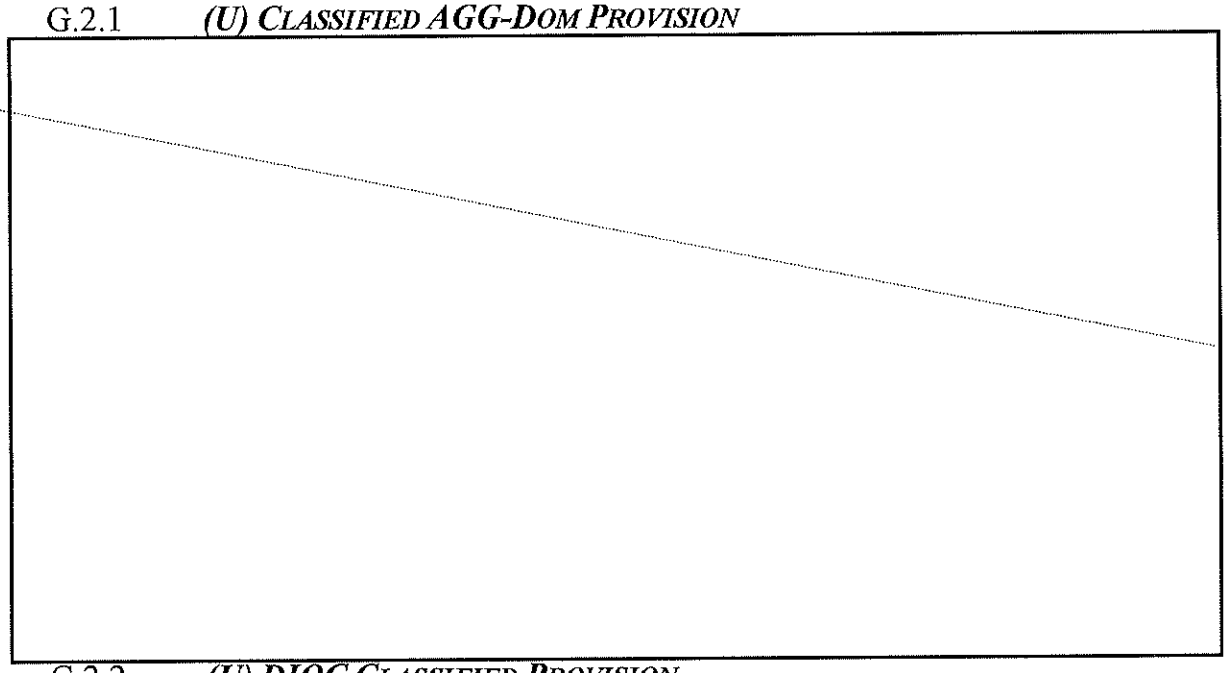
G.1.2 *(U) DIOG CLASSIFIED PROVISION*

(U) Refer to the Domestic Investigations and Operations Guide (DIOG) Section 18.7.1 for procedures to obtain a FISA search warrant.

G.2 (U) CIRCUMSTANCES WARRANTING A PRELIMINARY OR FULL INVESTIGATION

G.2.1 *(U) CLASSIFIED AGG-DOM PROVISION*

(S)



b1 -1
b3 -1

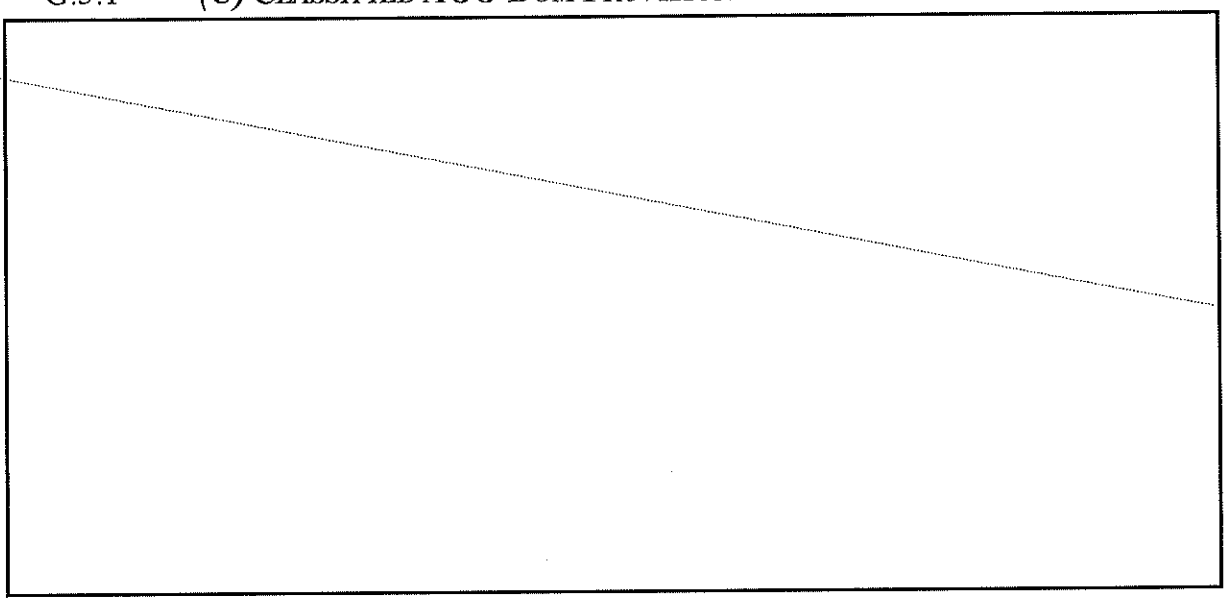
G.2.2 *(U) DIOG CLASSIFIED PROVISION*

(U) The provisions of DIOG Sections 6 (Preliminary Investigations) or 7 (Full Investigations) with regard to the purpose, approval and notification requirements apply fully to investigations predicated under this provision.

G.3 (U) DETERMINATION OF UNITED STATES PERSON (USPER)STATUS

G.3.1 *(U) CLASSIFIED AGG-DOM PROVISION*

(S)



b1 -1
b3 -1

(U) G.4 (~~S//NF~~) ATTORNEY GENERAL THREAT COUNTRY LIST

G.4.1 *(U) CLASSIFIED AGG-DOM PROVISION*

(S)

b1 -1
b3 -1

G.4.2 *(U) DIOG CLASSIFIED PROVISION*

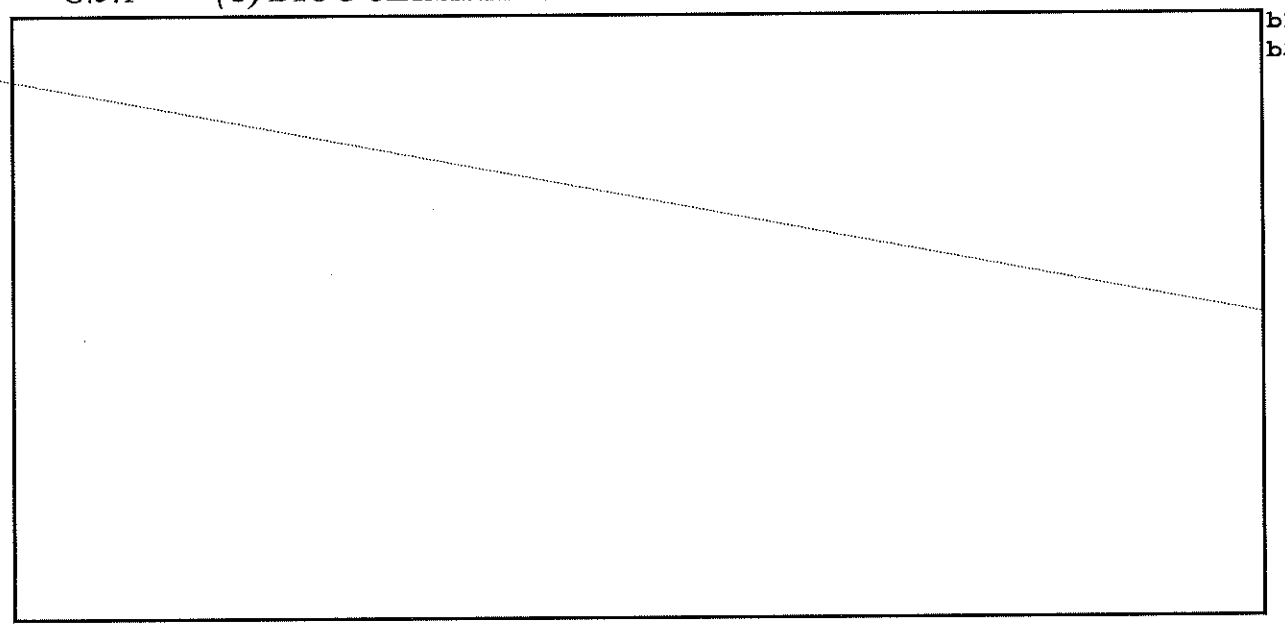
(S)

b1 -1
b3 -1

G.5 (U) ASSISTANCE TO AND/OR FROM FOREIGN AGENCIES IN THE UNITED STATES

G.5.1 *(U) DIOG CLASSIFIED PROVISION*

(S)

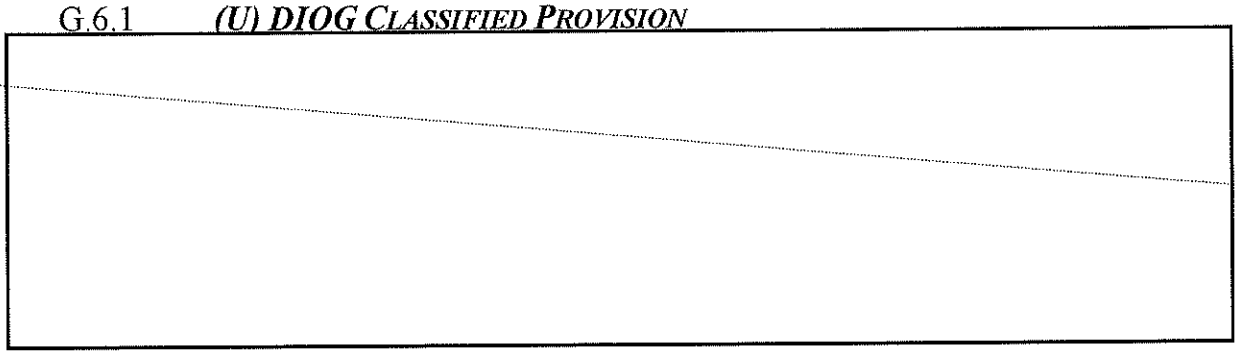


b1 -1
b3 -1

G.6 (U) CONSENSUAL MONITORING

G.6.1 *(U) DIOG CLASSIFIED PROVISION*

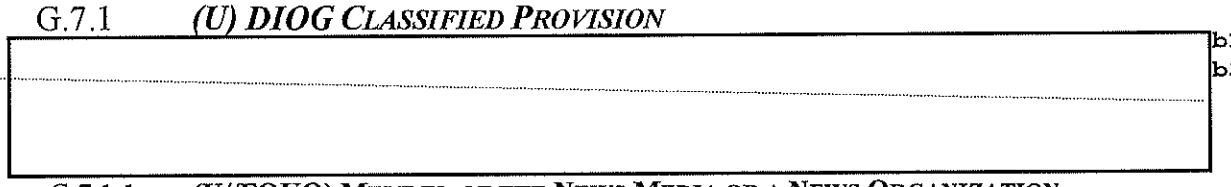
(S)



b1 -1
b3 -1

G.7 (U) SENSITIVE INVESTIGATIVE MATTERS (SIM)

G.7.1 *(U) DIOG CLASSIFIED PROVISION*

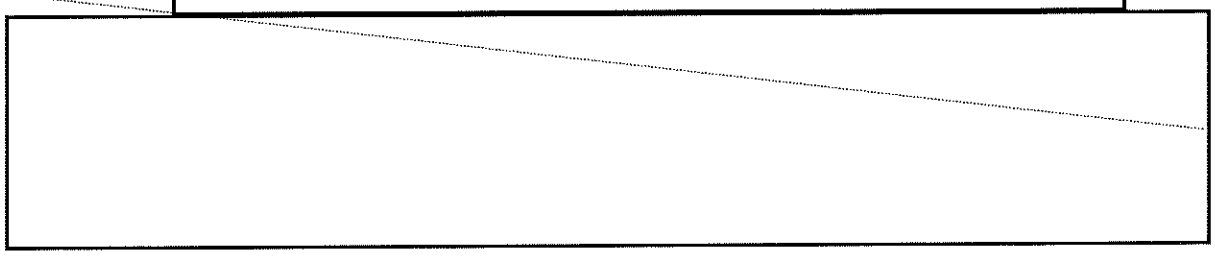
(S)  b1 -1 b3 -1

G.7.1.1 (U//~~FOUO~~) MEMBER OF THE NEWS MEDIA OR A NEWS ORGANIZATION

(U//~~FOUO~~) DIOG Section 10.1.2.2.5 defines a member of the news media or a news organization as a SIM. It further defines a member of the news media or a news organization as:

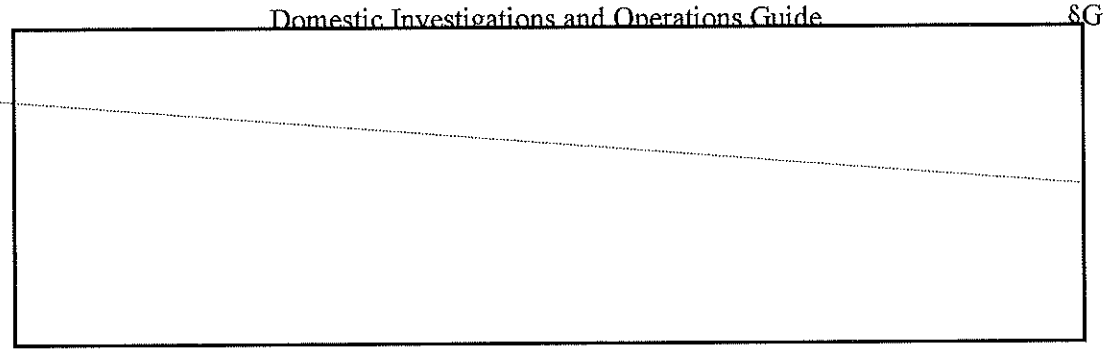
> (U//~~FOUO~~) *"News media" includes persons and organizations that gather, report or publish news, whether through traditional means (e.g., newspapers, radio, magazines, news service) or the on-line or wireless equivalent. A "member of the media" is a person who gathers, reports, or publishes news through the news media.*
>
> (U//~~FOUO~~) *The term "News Media" also includes an entity organized and operated for the purpose of gathering, reporting or publishing news. The definition does not, however, include a person or entity who posts information or opinion on the Internet in blogs, chat rooms or social networking sites, such as YouTube, Facebook, or MySpace, unless that person or entity falls within the definition of a member of the media or a news organization under the other provisions within this section (e.g., a national news reporter who posts on his/her personal blog).*
>
> (U//~~FOUO~~) *Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of newspapers or periodicals that make their products available to the public at large in print form or through an Internet distribution. A freelance journalist may be considered to work for a news organization if the journalist has a contract with the news entity or has a history of publishing content. Publishing a newsletter or operating a website does not by itself qualify an individual as a member of the news media. Businesses, law firms, and trade associations offer newsletters or have websites; these are not considered news media. As the term is used in the DIOG, "news media" is not intended to include persons and entities that simply make information available. Instead, it is intended to apply to a person or entity that gathers information of potential interest to a segment of the general public, uses editorial skills to turn raw materials into a distinct work, and distributes that work to an audience, as journalism professional. If there is doubt about whether a particular person or entity should be considered part of the "news media," the doubt should be resolved in favor of considering the person or entity to be the "news media."*

G.7.1.1.1  (S) b1 -1 b3 -1

(S) 

b1 -1
b3 -1

(S)



G.7.1.2 (U) ACADEMIC NEXUS

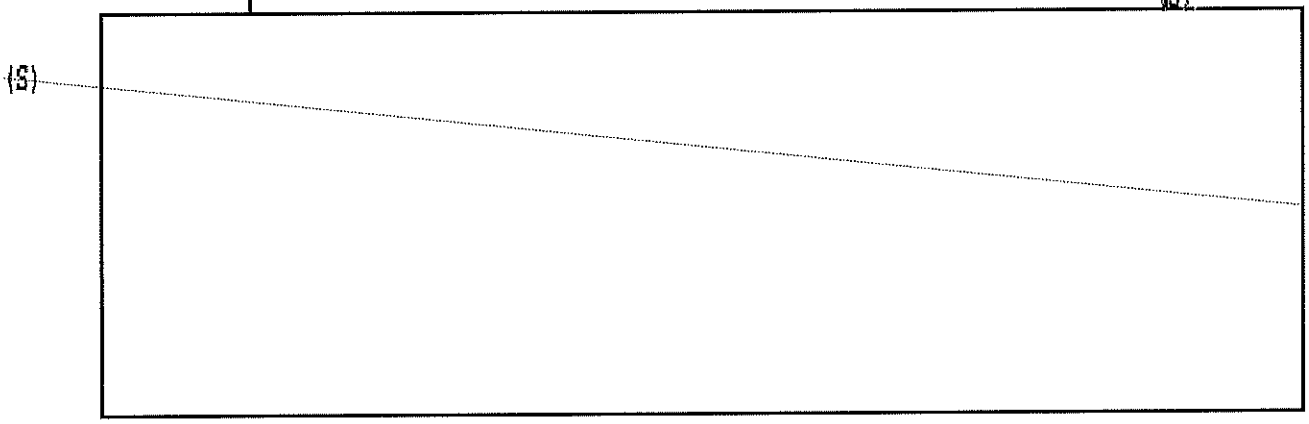
(U//~~FOUO~~) DIOG Section 10.1.2.2.6 states:

> *(U//~~FOUO~~) **Academic Nexus**—As a matter of FBI policy, an investigative activity having an "academic nexus" is a SIM if:*
>
> > *(i) (U//~~FOUO~~) the investigative activity involves matters related to the responsibilities of an administrator or faculty member employed by any college or university that is located inside the United States, provided the matter under Assessment/investigation is related to the individual's position at the institution; or*
> >
> > *(ii) (U//~~FOUO~~) the matter involves any student association recognized and approved by a college or university at which the student association at issue is located, and the college or university is located inside the United States.*
>
> *(U//~~FOUO~~) The sensitivity related to an academic institution arises from the American tradition of "academic freedom" (i.e., an atmosphere in which students and faculty are free to express unorthodox ideas and views and to challenge conventional thought without fear of repercussion). Academic freedom does not mean, however, that academic institutions are off limits to FBI investigators in pursuit of information or individuals of legitimate investigative interest.*

b1 -1
b3 -1

G.7.1.2.1 (S)

(S)



G.8 (U) DATA ANALYSIS

G.8.1 *(U) DIOG CLASSIFIED PROVISION*

(S//NF) Data analysis conducted by the FBIHQ Counterintelligence Division, [redacted] b1 -1 b3 -1
(S) [redacted] must be coordinated with the FBIHQ Office of the General Counsel, Privacy and Civil Liberties Unit and the National Security Law Branch regarding the proper documentation and disposition of such analysis.

G.9 (U) NOTICE REQUIREMENTS FOR THE DOJ NATIONAL SECURITY DIVISION (NSD)

G.9.1 *(U) DIOG CLASSIFIED PROVISION*

(U) A) ~~(S)~~ **Sensitive Investigative Matter:** For a national security investigation or "assistance to other agencies" involving a sensitive investigative matter that is classified "Secret," the appropriate FBIHQ section must send electronic notice to DOJ NSD at [redacted] For a national security investigation or "assistance to other agencies" involving a sensitive investigative matter that is classified "Top Secret," the appropriate FBIHQ section must send electronic notice to DOJ NSD at [redacted] Notices to DOJ NSD must contain only the Letterhead Memorandum (LHM); the electronic communication (EC) should not be sent to DOJ NSD. b7E -2,6

(U) B) ~~(S)~~ **National Security Full Investigation of a United States Person (USPER):** For a Full Investigation of a USPER relating to a threat to the national security (this reporting requirement does not apply to full positive foreign intelligence investigations) that is classified "Secret," the appropriate FBIHQ section must send electronic notice to DOJ NSD at [redacted] For a Full Investigation of a USPER relating to a threat to the national security that is classified "Top Secret," the appropriate FBIHQ section must send electronic notice to DOJ NSD at [redacted] Notices to DOJ NSD must only contain the LHM; the EC should not be sent to DOJ NSD.

(U) C) ~~(S)~~ **Assistance to a Foreign Agency:** When FBIHQ approval is required to provide assistance to a foreign agency in a matter involving a threat to the national security, notice must be provided to DOJ NSD. For a foreign assistance matter that is classified "Secret," the appropriate FBIHQ division approving the investigative method must send electronic notice to DOJ NSD at [redacted] For a foreign assistance matter that is classified "Top Secret," the appropriate FBIHQ division approving the investigative method must send electronic notice to DOJ NSD at [redacted] Notices to DOJ NSD must only contain the LHM; the EC should not be sent to DOJ NSD.

G.10 **(U)** [redacted] b7E -6

G.10.1 ***(U) DIOG CLASSIFIED PROVISION***

(U) *Note:* The [redacted] see Appendix G.10.1.3.A below) conducted under DIOG Section 5.

G.10.1.1 **(U) DEFINITION**

[redacted] b1 -1 b3 -1

(S)

(S)

G.10.1.2 [redacted] b1 -1 b3 -1

(S)

b1 -1
b3 -1

(S)

(S) G.10.1.3

(S)

b1 -1
b3 -1

(S)

G.10.1.4

(S)

G.10.1.5 **(U) DISPUTE RESOLUTION**

(S)

G.11 (U) [redacted] b7E -6

G.11.1 *(U) DIOG CLASSIFIED PROVISION*

(U) (S) Procedures for conducting a [redacted]

(U) G.11.1.1 (S) CENTRAL INTELLIGENCE AGENCY HEADQUARTERS (CIAHQ)

(S) [redacted] b1 -1 b3 -1

(U) G.11.1.2 (S) NATIONAL SECURITY AGENCY HEADQUARTERS (NSAHQ)

(S) [redacted] b1 -1 b3 -1

G.12 (U) NATIONAL SECURITY LETTERS FOR TELEPHONE TOLL RECORDS OF MEMBERS OF THE NEWS MEDIA OR NEWS ORGANIZATIONS

(U) G.12.1 ~~(S//NF)~~ *MEMBERS OF THE NEWS MEDIA OR NEWS ORGANIZATIONS*

~~(S//NF)~~ An investigation of members of the news media or news organizations is a sensitive investigative matter (SIM). A member of the news media or a news organization is defined in DIOG Section 10.1.2.2.5 and Appendix G.7.1.1 [redacted] b1 -1 b3 -1

(S) [redacted]

G.12.2 *(U) LAW ENFORCEMENT TOOLS OTHER THAN NATIONAL SECURITY LETTERS*

b7E -6

(U) [redacted]

G.12.3 *(U) APPROVAL REQUIREMENTS FOR AN NSL SEEKING RECORDS OF A MEMBER OF THE NEWS MEDIA*

[redacted]

(U//~~FOUO~~) In addition to the approval requirements for NSLs set out in DIOG Section 18.6.6.3.3, [redacted] b7E -6

[redacted]

(U//~~FOUO~~) *Example 1*: [redacted] b7E -6

[redacted]

(U//~~FOUO~~) *Example 2*: [redacted]

[redacted]

G.12.4 *(U//~~FOUO~~) Approval Requirements for an NSL Seeking Records Related to the News Media or News Organization*

(U//~~FOUO~~) b7E -6

(U//~~FOUO~~) *Example1*:

(U//~~FOUO~~) *Example 2*:

G.12.5 (U) *(~~S//NF~~) Approval Requirements for an NSL Seeking Records of a Member of the News Media*

b1 -1
b3 -1

(S)

(~~S//NF~~)

b1 -1
b3 -1
b7E -6

(S)

(S)

G.12.1 *(U) SPECIFIC PROCEDURES FOR REQUESTING AN NSL*

(U) The procedures for creating an NSL [redacted] b7E -6

[redacted] are the same as set out in DIOG Section 18.6.6.3.7. [redacted]

G.13 (U) OTHER INVESTIGATIVE RESOURCES

G.13.1 *(U) DIOG CLASSIFIED PROVISION*

G.13.1.1 (U//~~FOUO~~) SENSITIVE TECHNICAL EQUIPMENT

~~(S)~~ **Definition:** The term "Sensitive Technical Equipment" (STE) includes [redacted] STE is a) any technology [redacted]

(S) [redacted] c) technology that has been jointly developed with or developed by another U.S. Government (USG) agency such that the FBI is not the sole owner and on which originator controls have been placed. The Assistant Director of the OTD after consultation with the relevant operational division is authorized to determine whether particular equipment is (or is not) STE.

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b3 -1
b7E -6

~~(S//NF)~~ **Authorized Investigative Activity:** Any use of [redacted]

(S) [redacted] For additional guidance, refer to the Extraterritorial Guidelines (see DIOG Section 13).

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b7E -6

G.14 (U) RECRUITMENT-IN-PLACE TYPE 5 ASSESSMENTS ("RIP TYPE 5")

b7E -6

(U) See Quick Reference Guide for RIP Type 5 Assessments (links to a ~~S//NF~~ document).

(U//~~FOUO~~) **Summary:** A Type 5 Assessment provides the authority and process for identifying, evaluating, and recruiting a potential confidential human source (CHS). The following provisions integrate guidance from relevant subsections of the DIOG, the *Counterintelligence Division Policy Guide (CDPG), 0717PG*, and the *Confidential Human Source Policy Guide (CHSPG), 0836PG* Where noted, requirements remain the same as those in the DIOG, the CDPG, and the CHSPG, but the process has been tailored for specific use of Type 5 Assessments hereinafter referred to as "RIP Type 5s."

(S)

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b3 -1

G.14.1 *(U) RIP TYPE 5 ASSESSMENTS*

(S)

G.14.2 *(U) STANDARDS FOR OPENING OR APPROVING A RIP TYPE 5 ASSESSSMENT*

(S)

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b3 -1

(S)

G.14.3 *(U) FILE REVIEW*

(U) The frequency of the supervisory file review must be in accordance with DIOG 3.4.4.3. Additionally, the RIP Type 5 Assessment review standards (ARS) are as follows and must be documented in an EC

b7E -6

- (U//~~FOUO~~) Whether authorized investigative methods have been used properly.
- (U//~~FOUO~~) Whether reimbursable expenses incurred by an SA, if any, were reasonable and properly authorized.
- (U//~~FOUO~~) Whether the potential RIP can or should be recruited.

[1] (U//~~FOUO~~)

- (U//~~FOUO~~) Whether the RIP Type 5 Assessment should continue for an additional 90 days (60 days for probationary employees). If continuation is deemed justified, the supervisory special agent (SSA) must document the rationale for keeping the RIP Type 5 Assessment open.

(U//~~FOUO~~) Because the ARS EC must be made part of the case file and documented [redacted] b7E -6

[redacted] The EC must only document that the RIP Type 5 has met the ARS listed above.

G.14.4 *(U) AUTHORIZED INVESTIGATIVE METHODS PERMITTED IN RIP TYPE 5 ASSESSMENTS*

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b3 -1

(S) [redacted]

(S) G.14.5 [redacted]

(S) [redacted]

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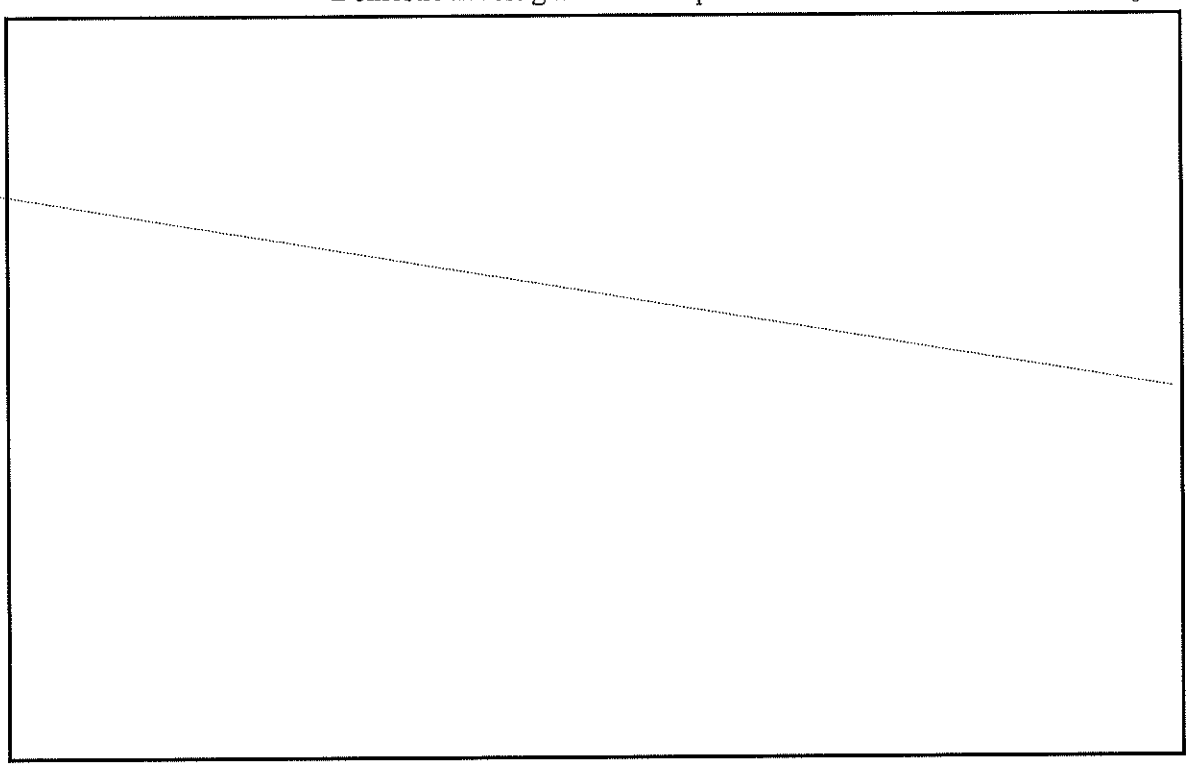
(S)

(S) G.14.5.1

(S)

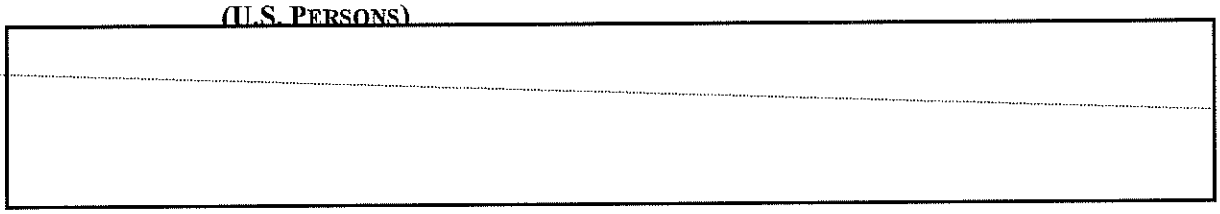
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(S)



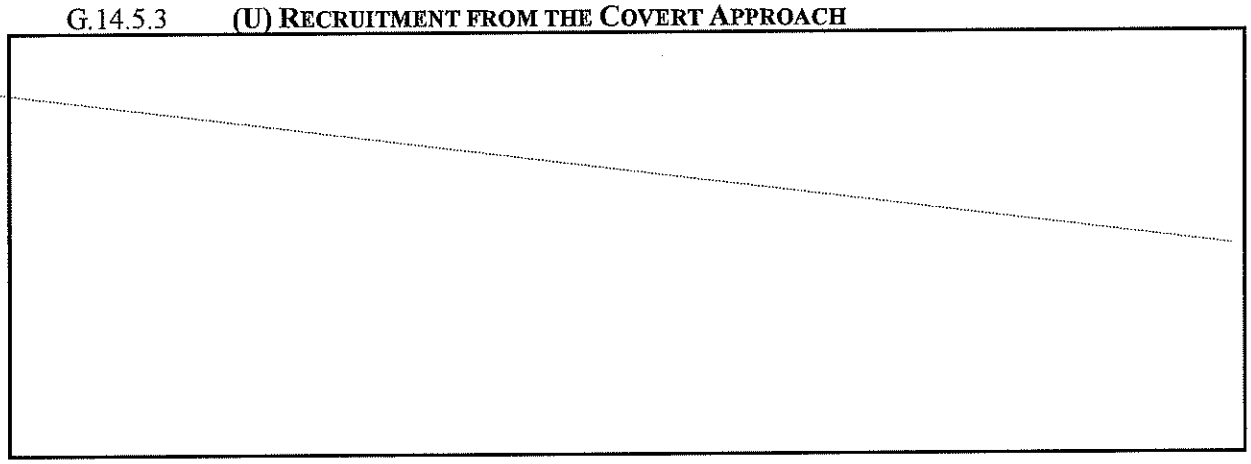
G.14.5.2 (U) ADDITIONAL APPROVAL REQUIREMENT FOR UNITED STATES PERSONS (U.S. PERSONS)

(S)



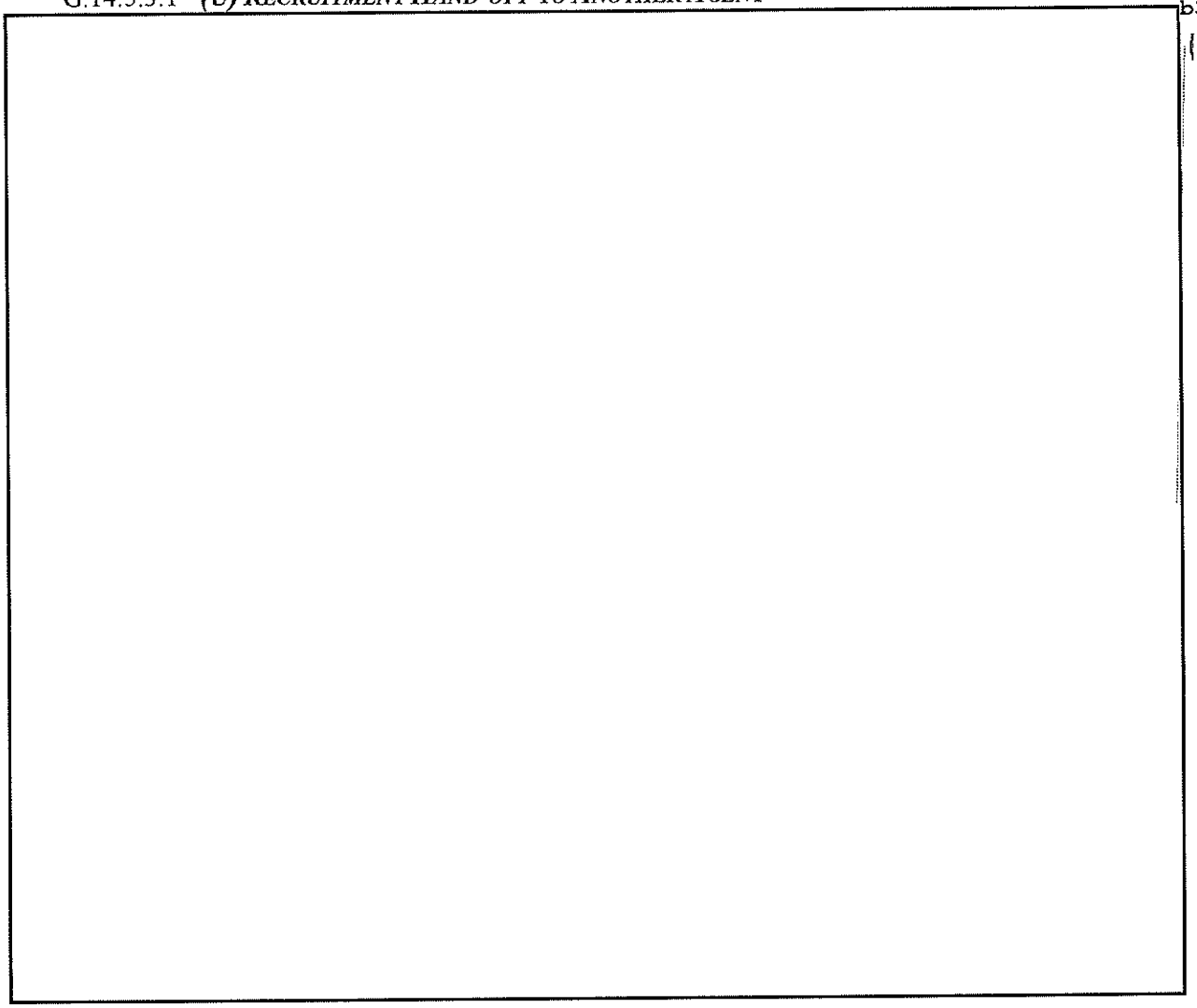
G.14.5.3 (U) RECRUITMENT FROM THE COVERT APPROACH

(S)

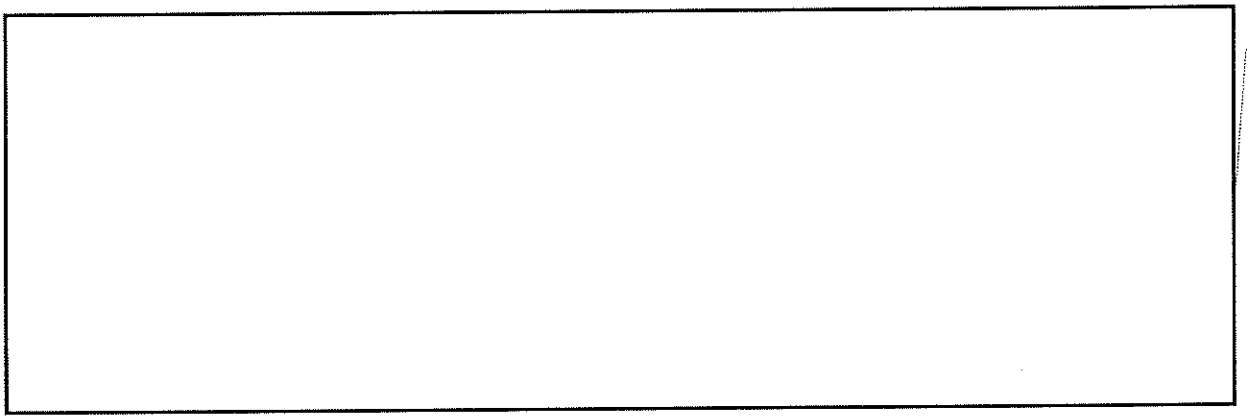


G.14.5.3.1 *(U) RECRUITMENT HAND-OFF TO ANOTHER AGENT*

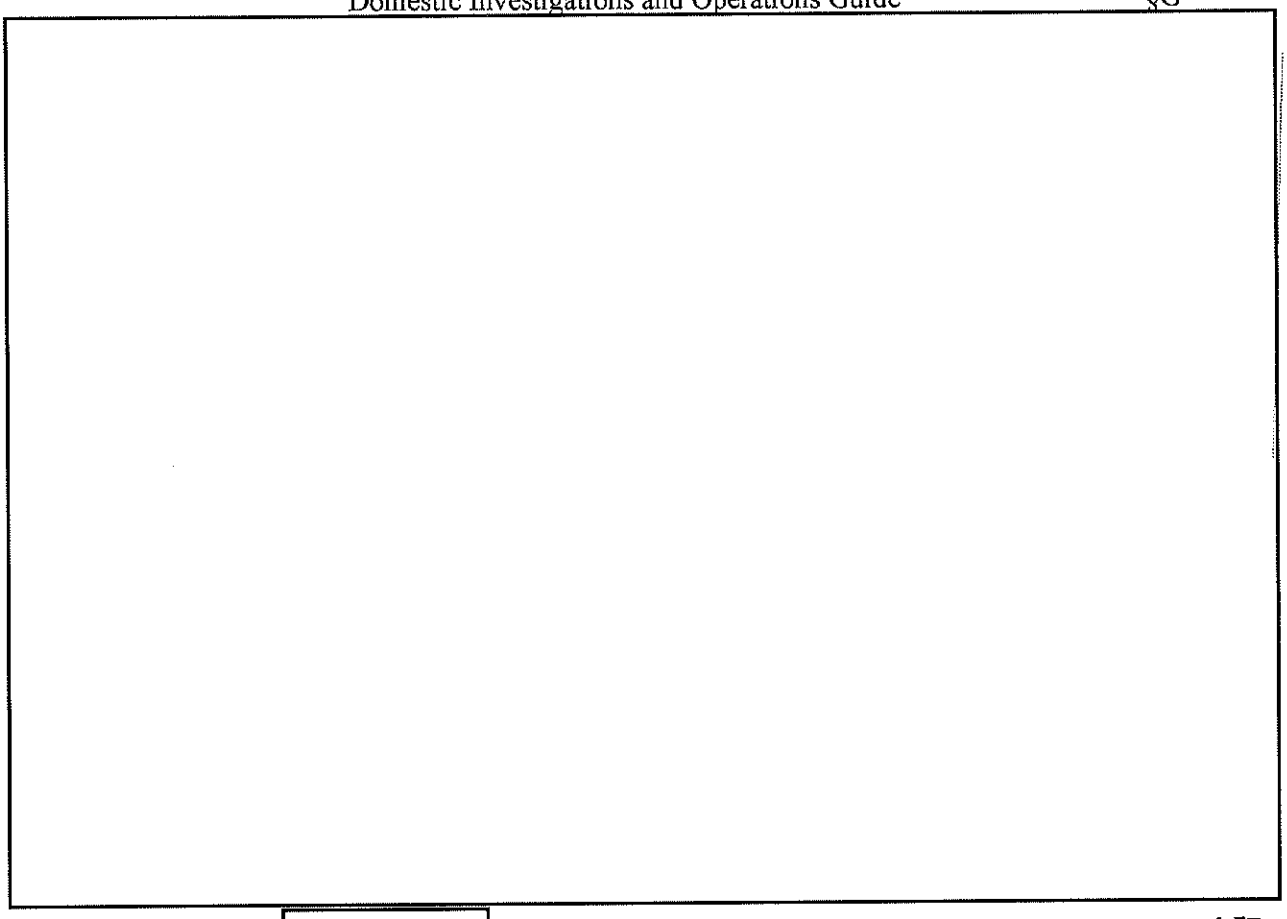
b1 -1
b3 -1



G.14.5.3.2 *(U) RECRUITMENT FROM THE COVERT APPROACH (NO HAND-OFF)*



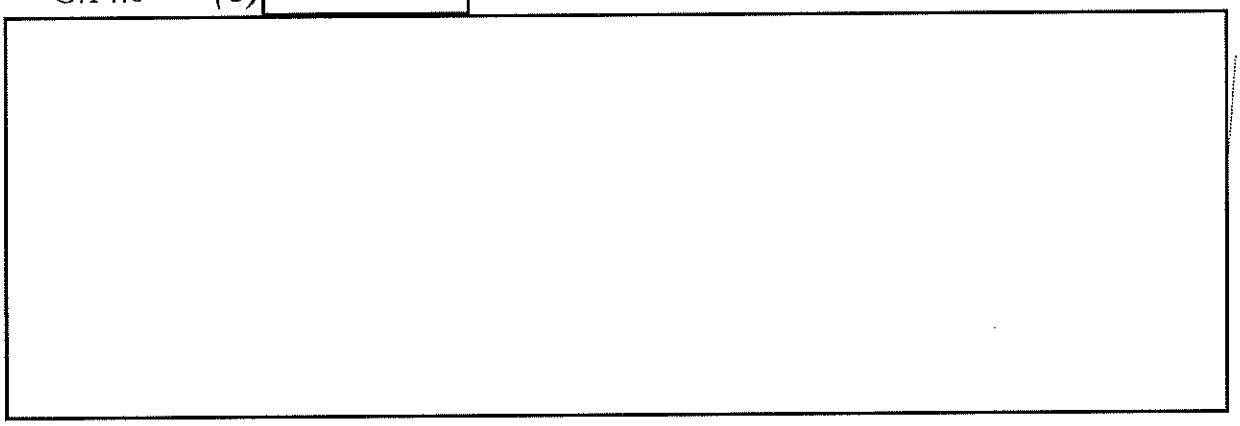
b1 -1
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(S)

G.14.6 *(U)* [redacted] *IN RIP TYPE 5*

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(S)b3 -1

G.14.7 *(U) CLOSING A RIP TYPE 5*

(U//~~FOUO~~) A RIP Type 5 must be closed, via EC to the subfile, with SSA approval.

G.14.8 *(U) DECONFLICTION GUIDANCE*

(S) [redacted]

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b3 -1

G.14.9 *(U) STATUS AS A POLICY EXCEPTION*

(S) [redacted]

EXHIBIT 16

DECLASSIFIED BY NSICG
ON 07-09-2018
b6 -1
b7C -1

~~SECRET//NOFORN/FISA~~

(U) Counterintelligence Division Policy Directive and Policy Guide



(U) Federal Bureau of Investigation

(U) Counterintelligence Division

(U) 0717DPG

(U) Published Date: October 17, 2014

(U) Review Date: November 1, 2018

(U) Note: This document incorporates the Policy Directive and the Policy Guide.

~~Classified by~~:
~~Derived from~~: FBI NSISC
~~Declassify on~~: 20381231

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b7C -1

~~SECRET//NOFORN/FISA~~

- (U) Did the data came from a specific document and, if so, what is the origin of the document and the name of the individual responsible for the security of the classified data disclosure?
- (U) What is the extent of official dissemination of the data?
- (U) Has the data been the subject of prior official releases?
- (U) Were prior clearances for publication or release of the information sought from proper authorities?
- (U) Has the material (or portions thereof) or enough background data been published officially or in the press to make an educated speculation on the matter possible?
- (U) Can the data be declassified for the purpose of prosecution, and if so, who is competent to testify concerning the classification?
- (U) Has the declassification been decided upon prior to the publication of the data?
- (U) What effect could the disclosure of the classified data have on the national defense?

(U) After receiving the victim agency's request, DOJ determines whether the case should be referred to the FBI for an investigation. DOJ forwards a cover letter and 11 questions to the CD's [redacted]SC authorizing an investigation. In time sensitive or high profile matters, DOJ may provide verbal authorization for the FBI to initiate an investigation. Only DOJ can authorize a media leak investigation. b7E -6,11

3.7.2. (U) Standards to Initiate an Investigation

(U) CD uses a variety of factors as a guide in its case-by-case review to determine which media leak referrals it will open. While one factor alone could be used to make a decision, determinations will generally be guided by a combination of factors. The main factors include:

- (U) [redacted]
- (U) [redacted] b7E -6
- (U) [redacted]

b7E -6

- (U)
- (U)
- (U)

(U) While the factors listed above will be the primary determinants whether or not to open a case, they are not necessarily inclusive of all factors which could be considered. If an investigation is warranted, a copy of the DOJ referral letter and all attachments are sent to the field.

(U) Upon assignment, the responsible FO must provide an EC to CD advising the case has been assigned, the name of the case agent, the squad handling the case, and those individuals who require access to the case.

b7E -6,10

3.7.3. (U)

(U) ~~(S//NF)~~

3.7.4. (U) Conducting Interviews

b7E -6

(U) ~~(S//NF)~~

3.7.5. (U)

(U)

b7E -6,11

3.7.6. (U)

(U)

3.7.7. (U) Media

(U) b7E -6,11

CD must first CD will prepare an EC, which will outline the purpose of the investigation, the purpose of the interview, investigative measures to date, and what the FO expects to gain from conducting the interview This EC must be accompanied by a disseminable memorandum, addressed to which explains the requested interview. If the EC and memorandum are approved

3.7.7.1. (U) Subpoenas to the Media

(U) Issuing a subpoena to a member of the news media is subject to DOJ regulations set forth in 28 CFR § 50.10. These regulations require the AG's approval before a subpoena is sought for either testimony regarding news materials, or the news material itself. All reasonable attempts should be made to obtain information from an alternative source before considering issuing a subpoena to a member of the media. Reasonable attempts are defined very strictly by the DOJ in 28 CFR § 50.10.

(U)

b7E -6

(U) [redacted] b7E -6

(U) Except in cases involving exigent circumstances, the express approval of the AG is necessary prior to the interrogation, indictment, or arrest of a news media member for an offense that the individual is suspected of committing during the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of the individual's official duties as a news media member. The request should include the considerations set out in 28 CFR § 50.10(k). When an arrest or questioning is necessary before prior authorization can be obtained, notification must be communicated immediately thereafter to the AG and the Office of Public Affairs, DOJ, through FBIHQ and [redacted] DOJ, together with a statement of the exigent circumstances demonstrating an exception to the prior authorization requirement, and containing the information which would have been given in requesting prior authorization. b7E -11

(U) [redacted]

3.7.8. (U) Reporting Requirements

(U) The responsible FO must provide a QSR to FBIHQ every 90 days. The QSR, which must be submitted in the form of an LHM, should reflect the case title, briefly explain the case predication, give a summary of the investigative activity conducted over the previous 90-day period, and list the case objectives for the next quarter. b7E -6

3.7.9. (U) Interaction with the United States Attorney's Office

(U) As with national security investigations, the field must obtain CD approval before contacting the local USAO in a media leak matter. CD will arrange this through CES, DOJ, which will call the USAO and advise CD which AUSA the FO should contact. This ensures DOJ is fully aware of the contact and that an appropriately trained and cleared AUSA will be assigned to the case. Media leak matters can be pursued without an assigned AUSA. The field, in consultation with FBIHQ and DOJ, can decide when it is necessary to obtain AUSA assistance for subpoenas, grand jury testimony, or legal guidance.

3.7.10. (U) Closing a Media Leak Investigation

(U) The FO must conduct a logical investigation to identify who leaked classified information. Should the field reach a point in its investigation where it cannot proceed further, it may request closure of the investigation by sending an LHM to CD. If CD

agrees with the FO assessment to close the case, it will forward the LHM to [redacted] DOJ and request concurrence to close. b7E -6,11

3.8. (U) [redacted] b7E -6

(U) [redacted]

[redacted]

[redacted]

3.9. (U) [redacted] b7E -6,10

(U) [redacted]

[redacted]

EXHIBIT 17

discussed below should be completed within 30 calendar days from the receipt of the initial submission by the field office or FBIHQ division.

(U//FOUO) *Note*: A CHS with prior UDP authority may require new UDP authority if his/her role within a particular organization changes. For example, in a Predicated Investigation with SAC approval a CHS may be tasked to join an organization and participate in its activities. If the CHS subsequently moves into a position where the level of participation may be seen as influencing the activities of the organization, then new UDP approval would be required. While the new UDP approval request is pending at FBIHQ, the field office may continue to accept intelligence from the CHS but may not actively task the CHS to participate in any activities beyond those already approved under the prior UDP.

16.9.2 (U//FOUO) ASSESSMENTS – CHSS TASKED TO JOIN SENSITIVE ORGANIZATIONS AND OBTAIN INSIDER INFORMATION

(U//FOUO) In Assessments, if the UDP is considered sensitive and involves tasking a CHS to join an organization for the purpose of obtaining insider information, the FBIHQ operational unit with responsibility for oversight of the Assessment will prepare a response EC for review by OGC (Investigative Law Unit (ILU) in criminal, DT, WMDD, and CyD investigations and National Security Law Branch (NSLB) in national security investigations) and approval by the AD of the operational Division. The reviewing OGC unit and the operational division AD will apply the standards in Section 16.5 above in reviewing and deciding whether to approve. This action should be completed within 10 business days of receipt of the request from the field office. Notice to the SORC will be included in the response EC and satisfies the requirement for notice by the field office.

16.9.3 (U//FOUO) PREDICATED INVESTIGATIONS – UDP REQUESTS INTENDED TO OR WHICH MAY INFLUENCE THE ACTIVITIES OF AN ORGANIZATION OR THE EXERCISE OF FIRST AMENDMENT RIGHTS BY ITS MEMBERS

(U//FOUO) When the field office determines that UDP during a Predicated Investigation is intended to or may influence the activities of an organization or the exercise of First Amendment rights of the organization's members:

A) (U//FOUO) Within three (3) business days of the receipt of the EC, the responsible FBIHQ operational unit must submit the field office's EC to OGC (Attention ILU in criminal, DT, WMDD and CyD investigations or Attention NSLB, in national security investigations) for a determination: (1) whether the UDP is intended or likely to influence the activities of the organization or the exercise of First Amendment rights of the members of the organization; (2) if the UDP is intended or likely to influence the activities of the organization, whether or not it is intended or likely to influence the exercise of First Amendment rights of the members of the organization.

B) (U//FOUO) Within five (5) business days of the receipt of the EC from the FBIHQ operational unit, OGC must review the request and submit its written determination as follows:

1) (U//FOUO) If OGC determines the UDP is not likely to influence the activities of the organization or the exercise of First Amendment rights of the members of the organization, the request, together with OGC's written determination, must be returned to the

responsible FBIHQ operational unit. The responsible FBIHQ operational unit must advise the requesting field office and the SORC of OGC's determination by EC within five (5) business days of receipt. Upon receiving this advice, the requesting field office must then obtain the appropriate UDP approval at the field office level pursuant to subsections 16.3.1.4, 16.3.1.5, and 16.5.

2) (U//FOUO) If OGC determines the UDP is likely to influence the activities of the organization but is not likely to influence the exercise of First Amendment rights of the members of the organization, OGC must provide a written determination to the responsible FBIHQ operational unit. The responsible FBIHQ operational unit must include OGC's determination in a recommendation EC to the responsible AD within five (5) business days. The responsible AD must determine within ten (10) business days whether to grant or deny the UDP applying the standards established in Section 16.5 above. Whether the responsible AD approves or denies the UDP, the responsible FBIHQ operational unit must notify by EC the field office and the SORC within three (3) business days of the AD's decision.

3) (U//FOUO) If OGC determines the UDP is likely to influence the exercise of First Amendment rights of the members of the organization:

   a) (U//FOUO) For non-sensitive UDP, OGC must provide a written determination to the responsible FBIHQ operational unit. Within five (5) business days, the responsible FBIHQ operational unit must include OGC's determination in a recommendation EC to the Director, Deputy Director, or Executive Director, as appropriate. The approving official must determine within ten (10) business days whether to grant or deny the UDP applying the standards established in Section 16.5 above. Whether the approving official approves or denies the UDP, the responsible FBIHQ operational unit must notify the SORC and requesting field office within three (3) business days of the decision.

   b) (U//FOUO) For sensitive UDP, OGC must provide a written determination to the responsible FBIHQ operational unit and to the SORC. Within five (5) business days, the responsible FBIHQ operational unit must submit an EC setting forth its recommendation to the SORC for consideration. The SORC must review the request along with OGC's determination and provide a recommendation regarding approval or disapproval to the Director within thirty (30) calendar days of the initial submission from the field office absent unusual circumstances. The SORC staff must include the SORC's recommendation in a recommendation EC to the Director. The Director will determine whether to grant or deny the UDP applying the standards established in Section 16.5 above. The responsible FBIHQ operational unit must notify the requesting field office and the SORC by EC of the Director's decision.

16.9.4 (U//FOUO) PROCEDURES FOR APPROVING EMERGENCY UDP REQUESTS THAT OTHERWISE REQUIRE FBIHQ APPROVAL

(U//FOUO) FBI policy permits departures from DIOG requirements in special circumstances (see DIOG Section 2.7). If UDP that would otherwise require FBIHQ approval (e.g., an activity intended to influence the activity of an organization, or influence members of an organization First Amendment rights) is urgently needed because of the immediacy or gravity of a threat to the safety of persons or property, threats to the national security, or loss of a significant investigative opportunity, the SAC, with concurrence from the Deputy Assistant Director (DAD) of the FBIHQ operational section with oversight responsibilities for the investigation and a

White House staff. Additional guidance regarding contact with White House personnel may be found in the AG Memorandum captioned "Communications with White House and Congress" dated May 11, 2009. (See DIOG Appendix D) *Note:* The FBIHQ operational division PGs may contain additional notice requirements for conducting interviews or seeking an informant relationship with White House personnel. In addition personnel assigned to the Washington Field Office may, after OGC approval, obtain authority to contact White House personnel on routine investigations where White House personnel may have been a victim or witness.

18.5.6.4.8 (U) Members of the News Media

18.5.6.4.8.1 (U) Approval Requirements

18.5.6.4.8.1.1 (U) General Requirements

(U//FOUO) Attorney General approval must be obtained prior to conducting an interview of a member of the news media for any offense which the member of the news media is suspected of having committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of his/her official duties as a member of the news media. Requests for this approval must be submitted with an EC to the AD of the operational FBIHQ division that is responsible for the investigative classification and the AD of the Office of Public Affairs (OPA). The requesting EC must be reviewed by the CDC and approved by the SAC after coordinating the request with the local USAO. The EC must contain the necessary facts and investigative justification for the interview consistent with the DOJ guidelines set forth in 28 C.F.R. § 50.10.

18.5.6.4.8.1.2 (U) Emergency Circumstances Requirements

(U//FOUO) In emergency circumstances, an Agent may interview a news media representative concerning an offense which the member of the news media is suspected of having committed in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of his/her official duties as a member of the news media without prior AG approval, if authorized by the SAC and the United States Attorney. Immediate notification of the interview, the emergency circumstances that justified proceeding without prior authorization and all the information that would have been provided if prior authorization had been sought shall be communicated immediately to the AD of the FBIHQ operational division, the AD of the OPA, and the General Counsel. The AD of the operational division is responsible for notifying the appropriate officials at DOJ as set forth in 28 C.F.R. 50.10. After these oral notifications have been made, the field office is responsible for providing written documentation to the FBIHQ operational division AD as soon as practicable, but not more than 24 hours after the interview. FBIHQ is responsible for providing appropriate written documentation to the DOJ approval authorities to whom oral notice was given.

18.5.6.4.8.2 (U) USE OF SUBTERFUGE

(U//FOUO) To the extent operational needs allow, investigators must operate openly and consensually with members of the news media. If an interview of a member of the news media involves any subterfuge (whether the purpose of the interview is related to the news gathering circumstances set forth in the preceding paragraph or otherwise), the interview and the subterfuge must be approved by the AD of the operational division responsible for the investigation. The EC requesting permission must include the facts and circumstances surrounding the interview, including an explanation why the investigator cannot operate openly and consensually with the news media person to be interviewed. Additionally, the EC must include a description of the planned subterfuge. After consultation with the OPA and OGC, the AD of the operational division must decide whether to approve the request. If the request requires approval by DOJ (because the interview is related to an offense committed by the member of the news media during the course of news gathering) the AD of the operational division is responsible for submitting all requests for approval to the DOJ per 28 C.F.R. 50.10.

(U//FOUO) FBIHQ operational division PGs may contain additional notice requirements.

18.5.6.4.9 (U) DURING AN ASSESSMENT - REQUESTING INFORMATION WITHOUT REVEALING FBI AFFILIATION OR THE TRUE PURPOSE OF A REQUEST

A) (U//FOUO) In the normal course of an interview, an FBI employee should divulge the employee's affiliation with the FBI and the true purpose of the interview. FBI employees must operate openly and consensually with members of the public during an Assessment unless operational considerations preclude the disclosure of true affiliation or purpose, in which case, employees must adhere to the policies listed below.

B) (U//FOUO) During an Assessment, an FBI employee may request information without disclosing the true purpose of the request provided that the false purpose would not reasonably be expected to violate the rights or damage the reputation of another person and provided the false purpose does not imply that adverse legal consequences may follow if the interviewee declines to speak to the FBI employee.

C) (U//FOUO) Undercover activity is not authorized during an Assessment. "Undercover activity" includes the use of false identity to obtain intelligence or evidence from a subject or other person of interest.

D) (U//FOUO) An FBI employee is not required to affirmatively disclose his or her FBI affiliation if non-disclosure is reasonably necessary to achieve the purpose of the Assessment and the FBI employee is:

1) (U//FOUO) Attending a public event or place (including presence in publicly accessible on-line space or venue) on the same terms as a member of the general public;

2) (U//FOUO) Present at a public event or place (including a publicly accessible on-line space or venue) and the employee is invited to engage in a limited follow-on conversation with a third party outside of the public event or place (or online space or venue);

3) (U//FOUO) Engaged in incidental contact or interaction with members of the public or private entities;

4) (U//FOUO) Engaged in limited interaction to protect cover;

Version Dated:
October 15, 2011

6) (U) Telephone Subscriber Information, Toll Billing Records, Electronic Communication Subscriber Information, and Electronic Communication Transactional Records: Electronic Communications Privacy Act (ECPA), 18 U.S.C. § 2709.

18.6.6.3.2 (U) DEFINITION OF METHOD

(U) A National Security Letter (NSL) is an administrative demand for documents or records that are relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities. Sample NSLs are available. NSLs may not be issued in an Assessment.

18.6.6.3.3 (U) APPROVAL REQUIREMENTS

(U//FOUO) The process for creating an NSL involves two documents: the NSL itself and the EC approving the issuance of the NSL. The authority to sign NSLs has been delegated to the Deputy Director, Executive Assistant Director, and Associate EAD for the National Security Branch; Assistant Directors and all DADs for CT/CD/Cyber; General Counsel; Deputy General Counsel for the National Security Law Branch; Assistant Directors in Charge in NY, WFO, and LA; and all SACs. This delegation includes FBI officials properly designated to serve in these positions in an acting capacity. No other delegations are permitted. The following requirements for designating an acting official are particular to NSLs and are more restrictive than the Succession and Delegation Policy set forth in DIOG Section 3:

A) (U//FOUO) When traveling on official orders outside the geographical limits of the field office or division, on leave, or otherwise unavailable to fulfill the duties of their positions: ADICs and SACs may designate an immediate subordinate, no lower than an ASAC as Acting ADIC or SAC (respectively); and HQ officials may designate a subordinate no lower than a Section Chief as Acting AD or DAD. Such designations must be documented in 319X-HQ-A1565545-XX in which the last two alpha characters designate the office, division, or Legat. See DIOG Section 3.4.3.3.

B) (U//FOUO) Those designated as acting officials for purposes of signing NSLs must be properly trained on NSL policies as set forth in Corporate Policy Notice 0227N. Any designation must be made in writing with notice to the supervisory ADIC (if any) or to the Deputy Director. In addition, a hard copy of such standing orders must be forwarded to the supervisory ADIC (if any) or to the Deputy Director. The designation may be accomplished by a record email or EC, expressly stating the date on which the acting official's authority becomes effective. All such emails or ECs must be uploaded and maintained in an appropriate control file in the office in which the acting official is acting.

C) (U//FOUO) ADICs, SACs, and HQ officials may also choose to document by EC a "standing order of succession," which automatically takes effect when they are traveling, absent, or unavailable. The EC documenting the standing order of succession must be approved by that official, or if unavailable, by the Deputy Director, and uploaded and maintained in the appropriate administrative file as set forth in Section 3.4.3. The EC must indicate under what circumstances the standing order of succession takes effect.

(U) Additional details and instructions can be found in Corporate Policy Notice 0227N.

(U//FOUO) In addition to being signed by a statutorily-required approver, every NSL must be reviewed and approved by a CDC, ADC (or attorney acting in that capacity), or an NSLB attorney.

18.6.6.3.4 (U) STANDARDS FOR ISSUING NSLS

(U) The standard for issuing an NSL, except under 15 U.S.C. § 1681v, is that the material sought is relevant to an authorized investigation to protect against international terrorism or clandestine activities, provided that such an investigation of an USPER is not predicated solely on activities protected by the First Amendment of the Constitution of the United States. Thus, an NSL may not be issued unless the information sought is relevant to an open and authorized Preliminary Investigation (PI) or Full Investigation (Full). **NSLs may not be issued in an Assessment. (An NSL request for a full credit report is not available in counterintelligence investigations unless there is an international terrorism nexus. 15 U.S.C. § 1681v.)**

(U//FOUO) Information is relevant if it tends to make a fact more or less probable. In the context of NSLs, there must be a reasonable belief that the information sought through the NSL either supports or weakens facts being investigated in an investigation. For example, financial records believed to support a subject's assertion that he or she was in the United States at a given time when the FBI believes he or she was outside the United States are relevant to the investigation because they tend to exculpate the subject. On the other hand, phone records of a sibling of a subject of an investigation not known to be in contact with the subject would not, barring additional information, be relevant to the national security investigation.

(U//FOUO) In addition to the information being relevant, the investigation of an USPER cannot be conducted solely based on activities protected by the First Amendment. For example, the FBI cannot issue an NSL for phone records of an individual solely because the individual attends a mosque that is also attended by international terrorism (IT) subjects. The individual's attendance at a place of worship is First Amendment-protected activity, on which the FBI cannot base an investigation. On the other hand, if the FBI reasonably believes that, in addition to attending the same mosque as the IT subjects, the individual received money transfers from IT subjects, then an NSL seeking his or her phone or bank records would be relevant to a national security investigation and would not be based solely on First Amendment-protected activities.

(U//FOUO) The EC that requests the issuance of an NSL must provide a sufficiently detailed explanation of the predication for the investigation and the relevance of the material sought by the NSL so that a meaningful review can be conducted. The information necessary to make a judgment regarding predication and relevance should be contained in the four corners of the EC. If the necessary information cannot be included in the EC because, for example, the information is classified Top Secret or the investigation involves insider espionage, the EC should clearly reference the source document that provides the predication and explain why the underlying information cannot be included in the EC.

(U//FOUO) Approval of an NSL must include a review of the predication of the underlying investigation. Although there is no legal review for opening an investigation, there must be a

can be made with the Department of State to determine whether the consul involved has any special immunity.

19.10 (U) Arrest of News Media Members

(U) Attorney General approval must be obtained prior to seeking an arrest warrant for or arresting a member of the news media who is suspected of committing any federal offense in the course of, or arising out of, the coverage or investigation of a news story, or while engaged in the performance of official news media duties.

(U) Requests for the approval must be submitted to the AD of the operational FBIHQ division that is responsible for the investigative classification and the AD of the Office or Public Affairs (OPA) by an EC. The requesting EC must be reviewed by the CDC and approved by the SAC after coordination with the local USAO. The EC must set forth the facts believed to establish probable cause and the investigative justification for the arrest, consistent with the DOJ guidelines set forth in 28 C.F.R. § 50.10.

(U) In emergency circumstances, an Agent may arrest a member of the news media without prior AG approval, if authorized by the SAC and the USAO. In such situations, the SAC must immediately notify the AD of the FBIHQ operational division, the AD of the OPA, and the General Counsel of the arrest, the emergency circumstances that justified proceeding without prior authorization and all of the information that would have been provided if prior authorization had been sought. The AD of the operational division must promptly notify the appropriate officials at DOJ as established in 28 C.F.R § 50.10. After these oral notifications have been made, the field office must provide written documentation to the FBIHQ operational AD as soon as practicable, but not more than 24 hours after the arrest. FBIHQ must provide appropriate written documentation to the DOJ approval authorities to whom oral notice was given.

19.11 (U) Arrest of Armed Forces Personnel

(U) The Uniform Code of Military Justice authorizes any commanding officer exercising general court-martial jurisdiction to surrender military personnel under the officer's command to civil authority when the person has been charged with a civil offense. A request for surrender must be accompanied by:

A) (U) A copy of the indictment, presentment, information, or warrant;

B) (U) Sufficient information to identify the person sought as the person who allegedly committed the offense; and

C) (U) A statement of the maximum sentence which may be imposed upon conviction.

(U) Receipts for persons surrendered for civil prosecution should be signed by an official in the USAO, not by an FBI employee.

DOMESTIC INVESTIGATIONS AND OPERATIONS GUIDE

CLASSIFIED APPENDIX G

FEDERAL BUREAU OF INVESTIGATION
RELEASED OCTOBER 16, 2013

This 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.

NOTICE OF SUPERSESSION AND UPDATE:

This document amends and supersedes the previous *Domestic Investigations and Operations Guide (DIOG) Classified Appendix G*, published October 15, 2011

Updated pages are denoted with "Version Dated: October 16, 2013"

CONTACT INFORMATION:

Questions or comments pertaining to the DIOG can be directed to:

The Corporate Policy Office (CPO) at

HQ_DIV00_CORPORATE_POLICY_OFFICE

or the Office of the General Counsel (OGC)

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G.12 (U) National Security Letters for Telephone Toll Records of Members of the News Media or News Organizations

(S//NF) **Members of news media or news organizations:** An investigation of members of the news media or news organizations is a sensitive investigative matter (SIM). See DIOG Section 10 and Appendix G-7 for Sensitive Investigative Matters. A member of the news media or a news organization is defined in DIOG Section 10.1.2.2.5 and Appendix G.7.1.1. An investigation of a non-United States person (non-USPER) who otherwise meets the referenced definition is not a SIM if there is reason to believe that the person is a suspected or known intelligence officer or is affiliated with a news organization that is associated with a foreign intelligence service or otherwise is acting on behalf of a foreign power. An investigation of a non-USPER news organization is not a SIM if there is reason to believe the organization is affiliated with a foreign intelligence service or is otherwise acting on behalf of a foreign power.

(U) Department of Justice policy with regard to the issuance of subpoenas for telephone toll records of members of the news media is found at 28 C.F.R. § 50.10. The regulation concerns only grand jury subpoenas, not National Security Letters (NSLs) or administrative subpoenas. (The regulation requires Attorney General approval prior to the issuance of a grand jury subpoena for telephone toll records of a member of the news media, and when such a subpoena is issued, notice must be given to the news media member either before or soon after such records are obtained.) The following approval requirements and specific procedures apply for the issuance of an NSL for telephone toll records of members of the news media or news organizations.

(U//FOUO) **Approval requirements:** In addition to the approval requirements for NSLs set out in DIOG Section 18.6.6.3.3., an NSL seeking either (i) the telephone toll records of, or (ii) records of a third party that are believed likely to reveal communications with members of the news media or news organizations is subject to the following:

A) (U//FOUO) If the NSL is seeking telephone toll records of an individual who is a member of the news media or a news organization and a purpose of the NSL is to identify confidential news media sources, the General Counsel and EAD-NSB, after consultation with the Assistant Attorney General for the National Security Division (AAG-NSD), must approve the NSL.

B) (U//FOUO) If the NSL is seeking telephone toll records of an individual who is a member of the news media or news organization and the purpose of the NSL is something other than trying to identify confidential news media sources, the General Counsel and the EAD-NSB must approve the NSL.

C) (U//FOUO) If the NSL is seeking telephone toll records of an individual who is not a member of the news media or news organization, but the records are likely to reveal communications with members of the news media or news organizations and a purpose of the NSL is to attempt to identify confidential news media sources, the General Counsel and the EAD-NSB must approve the NSL.

D) (S//NF) If the NSL is seeking telephone toll records of an individual who is a member of the news media or news organization and who is (i) a suspected or known intelligence officer, (ii) affiliated with a news organization that is associated with a foreign intelligence service, or (iii) otherwise acting on behalf of a foreign power, there are no additional approval requirements other than those set out in DIOG Section 18.6.6.3.3, unless a purpose of the NSL is to seek to

identify confidential news media sources. If a purpose of the NSL is to seek to identify confidential news media sources of such a member of the media, the General Counsel and EAD-NSB must approve the NSL.

(U) **Specific Procedures:** The procedures for creating an NSL seeking either (i) the telephone toll records of, or (ii) records that may reveal communications with members of the news media or news organizations are the same as set out in DIOG Section 18.6.6.3.7. When drafting an NSL requiring the special approvals set forth above, the requesting field office must discuss in the EC that accompanies the NSL whether the investigation is seeking the records to identify confidential news media sources or records that may reveal communications with members of the news media or news organizations. If the substantive division concurs, it must forward the EC and NSL to OGC and EAD-NSB requesting approval for the issuance of the NSL.

(U) When consultation with the AAG- NSD is required for the issuance of an NSL, the operational division must submit the request for an NSL to the General Counsel with an LHM suitable for routing to the AAG-NSD.

(U) When General Counsel and EAD-NSB approval is required for issuance of an NSL, the operational division must, within 10 business days of receiving notice of General Counsel and EAD-NSB approval for the issuance of the NSL, forward an LHM to DOJ/NSD indicating the General Counsel and EAD-NSB approved issuance of the NSL.

EXHIBIT 18

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(U) Standards

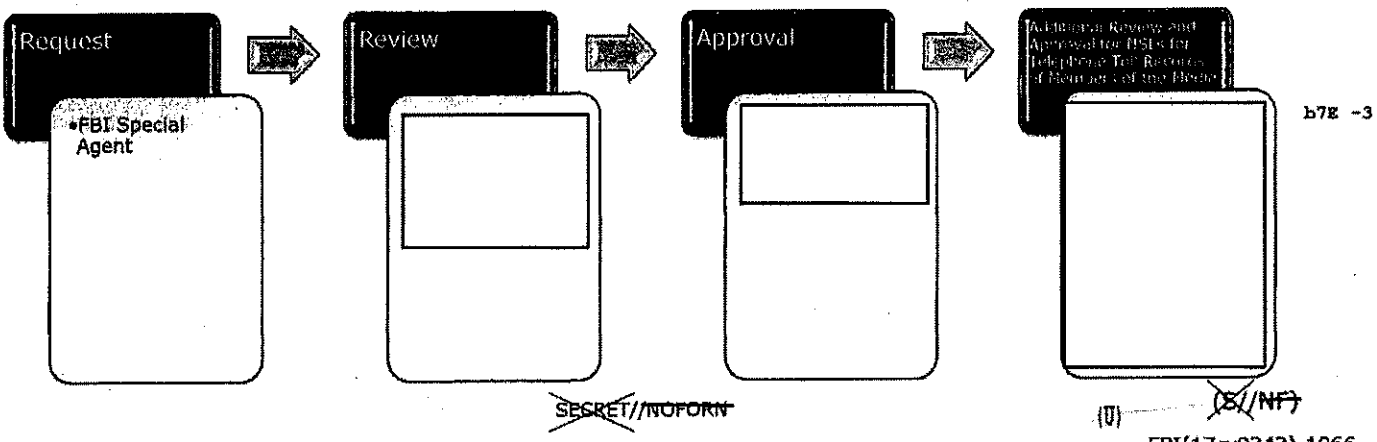
-(U) By statute the FBI can use NSLs only in **predicated national security investigations.**

-(U) Predication for every full investigation of a U.S. person must be submitted to the Department of Justice for review.

-(U) NSLs may be issued by SACs of FBI field offices and only a few high-ranking officials at FBI headquarters.

-(U) The standard for issuing an NSL is that the material sought must be relevant to an authorized investigation to protect against international terrorism or clandestine intelligence activities, provided that such investigation of an USPER is not predicated solely on activities protected by the First Amendment.

-(U) FBI policy requires an FBI attorney to review every NSL before it may be authorized.

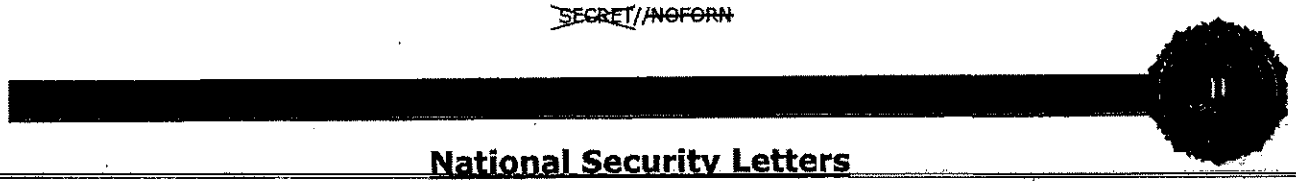


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(U) ~~(S//NF)~~

FBI(17cv9343)-1066



National Security Letters

NSLs for Telephone Toll Records of News Media or New Orgs

(S) [redacted] b1 -1 b3 -1 b7E -3

-(U//~~FOUO~~) Approval Requirements:

-(U//~~FOUO~~) NSLs seeking telephone toll records of members of the media [redacted] b7E -3

-(U//~~FOUO~~) NSLs seeking telephone toll records of members of media [redacted] b7E -3

-(U//~~FOUO~~) NSLs seeking telephone toll records of someone who is NOT a member of the media [redacted] b7E -3

(U) -(~~S//NF~~) NSLs seeking telephone toll records of member of news media [redacted] b1 -1 b3 -1 b7E -3

(S) [redacted] b7E -3