



Federal Bureau of Investigation
Washington, D.C. 20535

March 29, 2019

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THE COMMITTEE TO PROTECT JOURNALISTS
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Knight First Amendment Institute at Columbia University, et al. v. U.S. Department of Justice, et al.
Civil Action No. 1:18-cv-02709

FOIPA Request Nos: 1420624-000 and 1422759-000
Subject: Khashoggi, Jamal

Dear Mr. Kamdar and Mr. Beeken:

The enclosed documents were reviewed under the Freedom of Information/Privacy Acts (FOIPA), Title 5, United States Code, Section 552/552a. Below you will find checked boxes under applicable statutes for the exemptions asserted to protect information exempt from disclosure. The appropriate exemptions are noted on the processed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely pursuant to applicable exemptions. An Explanation of Exemptions is enclosed to further explain justification for withheld information.

Section 552		Section 552a
<input checked="" type="checkbox"/> (b)(1)	<input type="checkbox"/> (b)(7)(A)	<input type="checkbox"/> (d)(5)
<input type="checkbox"/> (b)(2)	<input type="checkbox"/> (b)(7)(B)	<input type="checkbox"/> (j)(2)
<input checked="" type="checkbox"/> (b)(3)	<input checked="" type="checkbox"/> (b)(7)(C)	<input type="checkbox"/> (k)(1)
<u>50 USC § 3024(i)(1)</u>	<input type="checkbox"/> (b)(7)(D)	<input type="checkbox"/> (k)(2)
_____	<input checked="" type="checkbox"/> (b)(7)(E)	<input type="checkbox"/> (k)(3)
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<input type="checkbox"/> (b)(4)	<input type="checkbox"/> (b)(8)	<input type="checkbox"/> (k)(5)
<input type="checkbox"/> (b)(5)	<input type="checkbox"/> (b)(9)	<input type="checkbox"/> (k)(6)
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33 pages were reviewed and 32 pages are being released.

Below you will also find additional informational paragraphs about your request. Where applicable, checked boxes are used to provide you with more information about the processing of your request. Please read each item carefully.

- Document(s) were located which originated with, or contained information concerning, other Government Agency (ies) [OGA].
 - This information has been referred to the OGA(s) for review and direct response to you.
 - We are consulting with another agency. The FBI will correspond with you regarding this information when the consultation is completed.
- In accordance with standard FBI practice and pursuant to FOIA exemption (b)(7)(E) and Privacy Act exemption (j)(2) [5 U.S.C. § 552/552a (b)(7)(E)/(j)(2)], this response neither confirms nor denies the existence of your subject's name on any watch lists.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the Freedom of Information Act (FOIA). See 5 U.S. C. § 552(c) (2006 & Supp. IV (2010)). This response is limited to those records subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist. Enclosed for your information is a copy of the Explanation of Exemptions.

Please direct any further inquiries about this case to the Attorney representing the Government in this matter. Please use the FOIPA Request Number and/or Civil Action Number in all correspondence or inquiries concerning your request.

- See additional information which follows.

Sincerely,



David M. Hardy
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

The enclosed documents, Bates-numbered FBI 18-cv-02709-1 thru FBI 18-cv-02709-33, represent the FBI's final release of information responsive to Item 1 of your Freedom of Information/Privacy Acts (FOIPA) requests and subsequent civil action case pending in the U.S. District Court for the District of Columbia.

In response to Items 2 and 3 of your records requested, the FBI is a criminal law enforcement agency as well as an intelligence agency. The records located, processed and released to you pertain to the FBI's criminal law enforcement mission and functions. In its capacity as an intelligence agency, the FBI compiles records while carrying out its responsibilities to investigate threats to national security and gather foreign intelligence. The nature of your request implicates records the FBI may or may not compile pursuant to these national security and foreign intelligence missions and functions. Accordingly, the FBI cannot confirm or deny the existence of any records about your subject as the mere acknowledgment of such records existence or nonexistence would in and of itself trigger harm to national security interests per Exemption (b)(1) and/or reveal intelligence sources and methods per Exemption (b)(3); 50 U.S.C. § 3024(i)(1).

It is unnecessary to adjudicate your requests for a fee waiver as no responsive main files were located. This material is being provided to you at no charge.

EXPLANATION OF EXEMPTIONS

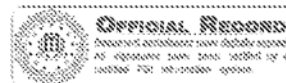
SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552

- (b)(1) (A) specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy and (B) are in fact properly classified to such Executive order;
- (b)(2) related solely to the internal personnel rules and practices of an agency;
- (b)(3) specifically exempted from disclosure by statute (other than section 552b of this title), provided that such statute (A) requires that the matters be withheld from the public in such a manner as to leave no discretion on issue, or (B) establishes particular criteria for withholding or refers to particular types of matters to be withheld;
- (b)(4) trade secrets and commercial or financial information obtained from a person and privileged or confidential;
- (b)(5) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;
- (b)(6) personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
- (b)(7) records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis, and, in the case of record or information compiled by a criminal law enforcement authority in the course of a criminal investigation, or by an agency conducting a lawful national security intelligence investigation, information furnished by a confidential source, (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law, or (F) could reasonably be expected to endanger the life or physical safety of any individual;
- (b)(8) contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or
- (b)(9) geological and geophysical information and data, including maps, concerning wells.

SUBSECTIONS OF TITLE 5, UNITED STATES CODE, SECTION 552a

- (d)(5) information compiled in reasonable anticipation of a civil action proceeding;
- (j)(2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals;
- (k)(1) information which is currently and properly classified pursuant to an Executive order in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods;
- (k)(2) investigatory material compiled for law enforcement purposes, other than criminal, which did not result in loss of a right, benefit or privilege under Federal programs, or which would identify a source who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056;
- (k)(4) required by statute to be maintained and used solely as statistical records;
- (k)(5) investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his/her identity would be held in confidence;
- (k)(6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process;
- (k)(7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his/her identity would be held in confidence.

UNCLASSIFIED//~~FOUO~~



FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U//~~FOUO~~) Duty To Warn Operational Guidance

Date: 06/28/2016

From: COUNTERTERRORISM

[redacted]

b7E -1

Contact: [redacted]

Approved By: [redacted]
Drafted By: [redacted]

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 03-07-2019 BY [redacted] NSICG

b6 -1
b7C -1

Case ID #: [redacted]

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

b3 -1
b7E -1, 3

DUTY TO WARN CONTROL FILE

Synopsis: (U//~~FOUO~~) To provide the field with guidance regarding CTD's DTW procedures.

Enclosure(s): Enclosed are the following items:

1. (U//~~FOUO~~) DTW Victim List 05-02-2016
2. (U//~~FOUO~~) DTW Victim List 06-21-2016

Details:

[redacted]

b7E -2, 4

[redacted] CTD is cognizant of the significant operational demands these DTW operations entail, and is striving to provide the most thorough victim information possible.

To further clarify CTD expectations regarding DTW operations, the field is expected to complete the following tasks with respect to current and ensuing DTW operations:

1. Provide suggested language for the Agents to utilize as a guide when conducting these in person contacts. CTD will assist in this process by including suggested language in the individual leads set for the Field.
2. The Field will find and notify the exact person specified. If

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Title: (U//~~FOUO~~) Duty To Warn Operational Guidance
Re: [REDACTED] 06/28/2016

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b7E -3

that person has moved out of the Division's AOR then that Field Office will cut a lead to the new Division where that person has relocated with a cc to FBIHQ.

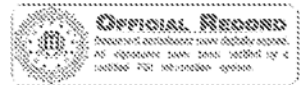
3. The exact address on any of the lists will be visited and the occupant's of that address provided DTW.
4. Names and addresses on the list will be provided by the Field Office to both the State and Local LE authorities with local jurisdiction over that address.
5. Names and addresses which are located in a specific state will also be provided by the responsible Field Office to the State Intelligence Fusion Centers covering that respective AOR.

Please direct questions regarding these procedures to [REDACTED]
[REDACTED] and/or CTD Executive Management.

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FEDERAL BUREAU OF INVESTIGATION

Electronic Communication

Title: (U//~~FOUO~~) Counterterrorism Division Duty to Warn

Date: 02/24/2017

CC: FIELD OFFICES (Route)
HEADQUARTERS DIVISIONS (Route)
LEGATS (Route)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 03-07-2019 BY [redacted] NSICG

b6 -1
b7C -1

From: COUNTERTERRORISM

[redacted]

Contact: [redacted]

b7E -1

Approved By: [redacted]

SC SANBORN JILL
SC MCPHERSON MICHAEL F
DAD MENDENHALL BRADLEY G
A/AD MENDENHALL BRADLEY G
EAD Michael B. Steinbach

b6 -1
b7C -1

Drafted By: [redacted]

Case ID #: [redacted]

(U//~~FOUO~~) Duty to Warn

b3 -1
b7E -3

Synopsis: (U//~~FOUO~~) This Electronic Communication sets forth guidance for how the Counterterrorism Division (CTD) should implement its Duty to Warn responsibilities, consistent with Intelligence Community Directive 191.

Details:

Intelligence Community Directive (ICD) 191 sets forth a consistent, coordinated approach for how the Intelligence Community (IC) will provide warning regarding threats to specific individuals or groups of intentional killing, serious bodily injury, and kidnapping. This includes threats where the target is an institution, place of business, structure, or location. As discussed below, the Duty to Warn procedures address, among other things, such matters as designating separate senior officers who shall be responsible for making the determination

UNCLASSIFIED//~~FOUO~~

Title: (U//~~FOUO~~) Counterterrorism Division Duty to Warn
Re: [REDACTED] 02/24/2017

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and for determining whether to waive that duty; setting forth appropriate justifications for waiver; and coordinating with other IC elements or U.S. government agencies, as appropriate.

(U//~~FOUO~~) CTD manages the Duty to Warn process, which includes evaluating the credibility and specificity of the threat, normalizing the released information, disseminating victim information and notification guidance to the field, and memorializing Duty to Warn notifications.

- (U//~~FOUO~~) Evaluation of Duty to Warn Obligations
(U) Per ICD 191, the duty to warn is mandatory, with limited exceptions, if the designated senior officer of the relevant IC element -- here, the FBI -- determines the information collected or acquired indicating an impending threat of intentional killing, serious bodily injury, or kidnapping directed at a person or group of people is credible and specific. If a duty to warn is found, a separate designated senior officer of the FBI may determine if the duty may be waived after the credibility determination has been made.

(U) Specifically, "[the FBI] shall designate senior officers responsible for reviewing threat information initially determined to meet duty to warn requirements to affirm whether the information is credible and specific, so as to permit a meaningful warning. [The FBI] shall also designate senior officers responsible for making waiver determinations based on criteria identified in this Directive. The senior officers designated for affirming that duty to warn information is sufficient for a meaningful warning and for making waiver determinations should not be the same individual." See, ICD 191, Section F.2.

(U) CTD has established that the Deputy Assistant Director (DAD) [REDACTED] [REDACTED] of CTD, in consultation with the Special

b7E -1

Title: (U//~~FOUO~~) Counterterrorism Division Duty to Warn
Re: [redacted] 02/24/2017

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b7E -3

Agent in Charge (SAC) of the impacted area of responsibility (AOR), shall make the Duty to Warn determination. The Assistant Director (AD) of CTD shall make any waiver determinations. The determination duties of the DAD, AD, and SAC may be handled by a senior officer acting in each of their respective positions.

(U//~~FOUO~~) The FBI's Duty to Warn procedures establish a non-inclusive list of justifications for waiver:

- a. The intended victim, or those responsible for ensuring the intended victim's safety, is already aware of the specific threat;
- b. The intended victim is at risk only as a result of the intended victim's participation in an insurgency, insurrection, or other armed conflict;
- c. There is a reasonable basis for believing that the intended victim is a terrorist, a direct supporter of terrorists, an assassin, a drug trafficker, or involved in violent crimes;

d. [redacted]

b7E -2

e. [redacted]

b3 -1
b7E -2

[redacted] or

f. There is no reasonable way to warn the intended victim.

(U//~~FOUO~~) The AD may rely on any of the above, or similar, considerations in justifying a waiver determination. Issues concerning whether threat information meets the Duty to Warn threshold should be resolved in favor of informing the intended victim if none of the justifications determined to be acceptable are present. Should the FBI decide to waive the duty to warn, this must be documented.

Title: (U//~~FOUO~~) Counterterrorism Division Duty to Warn
Re: 02/24/2017

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b7E -3

- (U//~~FOUO~~) Duty to Warn Notification Procedures

(U//~~FOUO~~) Notifications may be conducted in several forms. Under the DIOG 14.7.3.1.1.2., the FBI "must determine the means and manner of the warning, using the method most likely to provide direct notice to the intended victim." The DIOG also states that notification to warn the intended victim of the nature and extent of the threat must be expeditious.

(U//~~FOUO~~) Depending on the circumstances, the FBI may implement its Duty to Warn process by issuing letters to the last known address of the targeted individuals containing a FBI/HQ number to call with any questions or concerns, and providing a website for guidance in awareness and safety precautions, assuming no emergency or imminent threat exists requiring more immediate notice. See, DIOG 14.7.3.1.1. Letters may be written or tailored to specific threats.

- (U//~~FOUO~~) Leveraging Local and State Partners

(U//~~FOUO~~) The FBI does not need to serve as the sole agency providing Duty to Warn notifications. It may, instead, coordinate notifications with local and state partners, including the local and state fusion centers. As per DIOG 14.7.3.1.1.2, and as permitted by ICD 191, the FBI "may seek the assistance of another law enforcement agency to provide the warning[s]." The FBI field office can pass the information to state and local fusion centers and leverage local law enforcement partners to conduct in-person notifications, within legal and policy guidelines.

(U//~~FOUO~~) Under DIOG 14.7.3.1.1.2., "[t]he FBI...must determine the means and manner of the warning, using the method most likely to provide direct notice to the intended victim. In some cases, this may require the assistance of a third party." Similarly, under DIOG 14.7.3.2.1.1., "when an employee has information that a person ... is subject to a credible threat to his/her life or of serious bodily

Title: (U//~~FOUO~~) Counterterrorism Division Duty to Warn
Re: [REDACTED] 02/24/2017

b3 -1
b7E -3

injury, the employee must attempt expeditiously to notify other law enforcement agencies that have investigative jurisdiction concerning the threat." Pursuant to ICD, and as discussed above, the "employee" authorized to make these decisions is a senior officer. Specifically, the DAD of [REDACTED] in consultation with the SAC of the impacted AOR, shall make the Duty to Warn determination. The AD of CTD shall make any waiver determinations

b7E -1

- (U) Documentation of Duty to Warn determination and notification
- (U) The Duty to Warn determination and any subsequent notification must be documented. Specifically, "[u]pon determination by [the FBI] that a duty to warn exists and will not be waived, [the FBI] shall generate statements documenting the threat information and the basis for the duty to warn determination and include an unclassified tear line, where possible, for use in delivering the threat information to the intended victim."

(U//~~FOUO~~) In keeping with ICD 191, Section F.13., the FBI shall document and maintain records on the following duty to warn actions:

- a. The method, means, and substance of any warning given by the FBI;
- b. Senior officer reviews of threat information and determinations;
- c. Justifications not to warn an intended victim based on waiver criteria identified in this Directive;
- d. Coordination with the CIA, if the intended victim is located outside the U.S. and its territories, consistent with Section F.10, to determine how best to pass threat information to the intended victim;
- e. Decisions to inform the intended victim in light of exigent circumstances that preclude prior consultation;
- f. Communication of threat information to another IC element or U.S. Government agency for delivery to the intended victim; and
- g. Notification to the originating IC element of how and when threat information was delivered to the intended victim.

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Title: (U//~~FOUO~~) Counterterrorism Division Duty to Warn

Re: 02/24/2017

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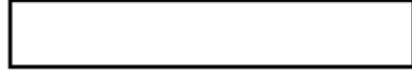
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Counterterrorism Division



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Washington, DC

November 14, 2018

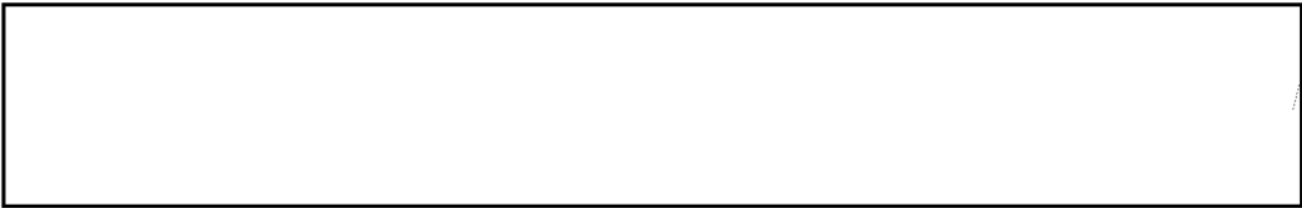
CTD Duty to Warn Standard Operating Procedures

(U) Purpose.

(U//~~FOUO~~) The purpose of this document is to articulate CTD's standard operating procedures for Duty-to-Warn (DTW) notifications. [redacted] substantive units are responsible for ensuring field offices notify threatened persons.

b7E -1

(U) Background.



(S) b1 -1
b3 -1

(U) ~~(S//NF)~~ The Intelligence Community Directive (ICD) 191 and the FBI Domestic Investigations Operations Guide (DIOG) 14.7.1 stipulate the FBI's duty to warn (DTW) responsibilities¹. [redacted]

b1 -1
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b7E -2



(S)



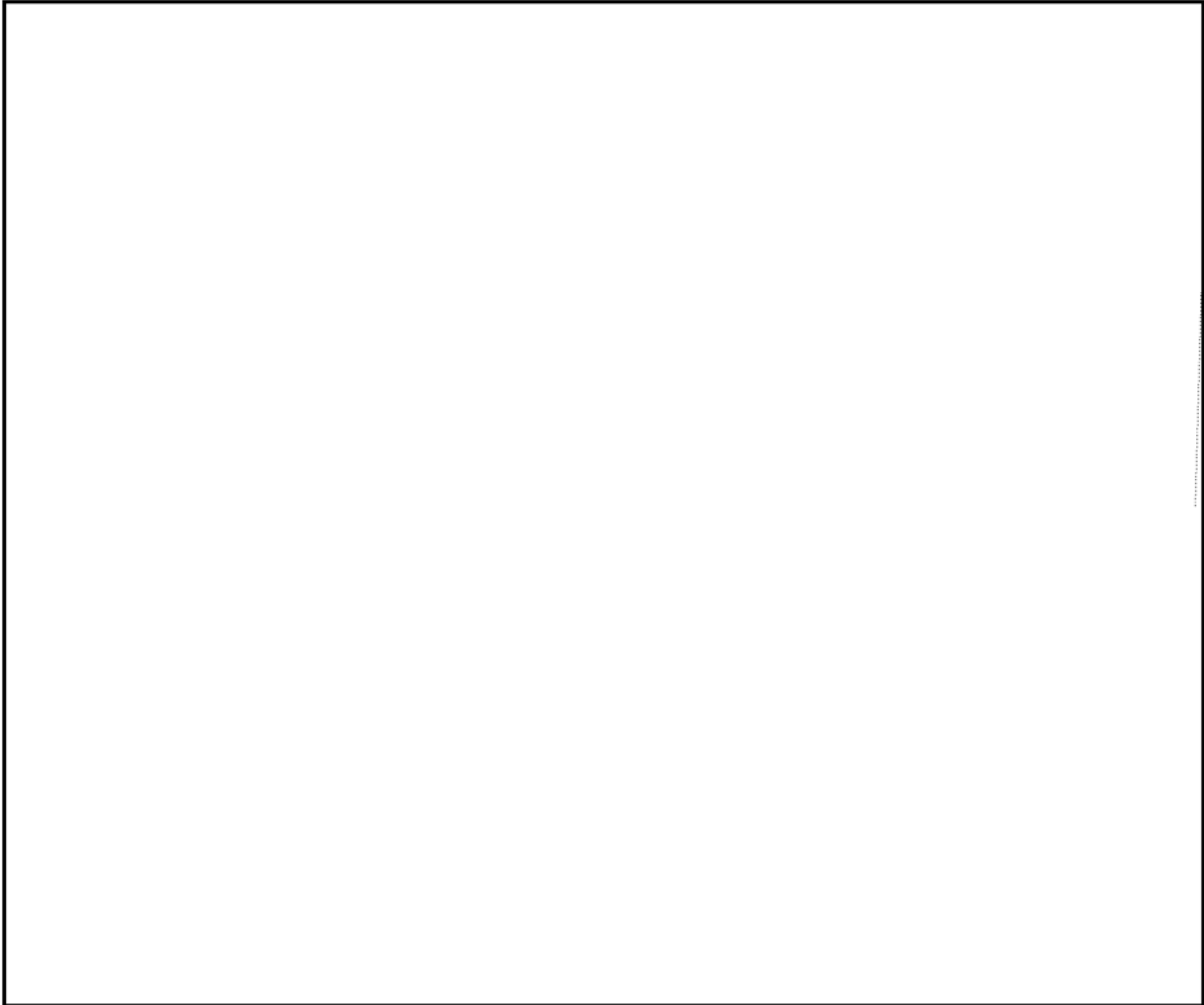
(S) b1 -1
b3 -1
b7E -2, 3

¹(U//~~FOUO~~) The FBI has a responsibility to notify persons of threats to their life or threats that may result in serious bodily injury and to notify other law enforcement agencies of such threats (Extracted from DOJ Office of Investigative Policies, Resolution 20, dated 12/16/96). Depending on the exigency of the situation, an employee, through his or her supervisor, must notify the appropriate operational division at FBIHQ of the existence of the threat and the plan for notification. That plan may be followed unless advised to the contrary by FBIHQ.

~~SECRET//NOFORN~~

A. (U//~~FOUO~~) Source of Threat Information.

(U//~~FOUO~~) The source of the threat information has a significant impact on both the approval authorities for the tear-line language used to verbally notify potential victims as well as the appropriate handling and notification procedures.



(S)

b1 -1
b3 -1
b7E -1, 2

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

Threat Notifications

b7E -2



(S)

b1 -1
b3 -1
b7E -1, 2



b7E -2

[Redacted]

(S)

b1 -1
b3 -1
b7E -1, 2

2. (U//~~FOUO~~) Triage of threat information.

[Redacted]

[Redacted]

b7E -1, 2

[Redacted] will assess the information collected and determine whether it is terrorist-related and if it reasonably appears to meet the definition for DTW as defined in ICD 191 "credible and specific."³

(U//~~FOUO~~) The following considerations are recommended in making *credible* and *specific* determinations:

Credible

- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]
- [Redacted]

b7E -2

³An IC element that collects or acquires credible and specific information indicating an impending threat of intentional killing, serious bodily injury, or kidnapping directed at a person or group of people (i.e. victims) shall have a duty to warn the intended victim(s) or those responsible for protecting the intended victim(s), as appropriate. This includes threats where the target is an institution, place of business, structure, or location. The term intended victim includes both USPERs, as defined in EO 12333, Section 3.5(k), and non-USPERs.

Specific

b7E -2

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-
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b1 -1

b3 -1

b7E -1, 2, 4

C. (U//~~FOUO~~) Appropriate Vetting Procedures

(S)

3. (U//~~FOUO~~) If [redacted] determines the threat information does meet the “credible and specific” criteria under ICD 191 [redacted] [redacted] will document the result of the analysis and provide results to [redacted] [redacted] will document the results of the analysis and provide a recommendation whether or not to conduct DTW to the Deputy Assistant Director (DAD) [redacted] or delegated official. If the DAD [redacted] determines the FBI will conduct DTW notifications, [redacted]

b7E -1, 2

D. (U//~~FOUO~~) Notification Procedures to the Field

b7E -1, 2

1. (U//~~FOUO~~) [redacted] will determine the Field Office (FO) associated with each threatened address [redacted] [redacted] Any identified military personnel and/or addresses will be flagged, and any duplicate identifiers will be consolidated into one line item.

b7E -1, 2

2. (U//~~FOUO~~) [redacted] will document the details of the incident via EC and provide lead-taskings to the affected field offices to locate the threatened individuals and provide DTW. [redacted] will provide support as requested. [redacted]

b7E -1, 2

3. (U//~~FOUO~~) [redacted]

- [redacted]

b7E -1, 2

4. (U//~~FOUO~~) [redacted]

- (U//~~FOUO~~) [redacted] if any individuals are identified as having a military nexus.
 - (U//~~FOUO~~) Military nexus is defined as the intended victim having (1) DOD-affiliated email address (.mil); (2) military installation, APO, or FPO residential address; or (3) military rank in front of their name.
- (U//~~FOUO~~) [redacted]

b7E -1, 2

E. (U//~~FOUO~~) Notification Procedures – Field to Victim

1. (U//~~FOUO~~) The Field Office (FO) must acknowledge receipt of any DTW lead-tasking [redacted]

b7E -2

2. (U//~~FOUO~~) [redacted]

b7E -2

3. (U//~~FOUO~~) The FO will notify occupants of addresses even if the intended victim no longer lives at the residence. If the intended victim has moved, the FO will transfer the lead-tasking to the relevant FBI office.

4. (U//~~FOUO~~) Upon completion of the DTW, the FO will appropriately document and close-out the lead-tasking.

F. (U//~~FOUO~~) Notification Recommendations

1. (U//~~FOUO~~) Verbal Recommendations to victims during the notification:
 - a. (U//~~FOUO~~) If you notice anything suspicious that makes you feel threatened, call 9-1-1 or your local emergency services immediately. Make a secondary notification to local law enforcement.
 - b. (U//~~FOUO~~) If you notice anything suspicious that is not immediately threatening, notify FBI as soon as possible.

c. (U//~~FOUO~~) [redacted]

b7E -2

2. (U//~~FOUO~~) Examples of threatening or suspicious activity includes:

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

b7E -2

G. (U//~~FOUO~~) Central Tracking of Notifications. [redacted] will create and maintain a centralized record of all intended and collateral USPER intended victims.

b7E -1

H. (U//~~FOUO~~) Reporting Updates

(U//~~FOUO~~) [redacted] will coordinate with the appropriate FO and provide regular lead updates to CTD executive management on the status of DTW notifications and bring attention to any field level issues [redacted]. The designated program management unit [redacted] will be responsible for tracking all process progress from receipt of information through memorialization.

b7E -1, 2

I. Glossary

[redacted]

CTD – Counterterrorism Division

[redacted]

DTW – Duty to Warn

FO – Field Office

[redacted]

ICD – Intelligence Community Directive

[redacted]

PII – Personally Identifiable Information

[redacted]

TFO – Task Force Officer

[redacted]

b7E -1

Appendix A

(U//~~FOUO~~) Current DTW Language

(U//~~FOUO~~) Public Releases: Identities obtained from Public Releases of PII.

b7E -2

(U//~~FOUO~~) Intelligence Reporting/Operations: Names not publicly released.

b7E -2

(U//~~FOUO~~) Definitions per ICD 191

- *Duty to Warn* means a requirement to warn USPERs and non-USPERs of impending threats of intentional killing, serious bodily injury, or kidnapping.
- *Intentional Killing* means the deliberate killing of a specific individual or group of individuals.
- *Serious Bodily Injury* means an injury that creates a substantial risk of death or which causes serious, permanent disfigurement or impairment.
- *Kidnapping* means the intentional taking of an individual or group through force or threat of force.

FEDERAL BUREAU OF INVESTIGATION
 FOI/PA
 DELETED PAGE INFORMATION SHEET
 Civil Action# 1:18-cv-02709
 Total Withheld Page(s) = 1

Bates Page Reference	Reason for Withholding (i.e., exemptions with coded rationale, duplicate, sealed by order of court, etc.)
FBI 18-cv-02709-16	b6-1,2; b7C-1,2; (1 page)

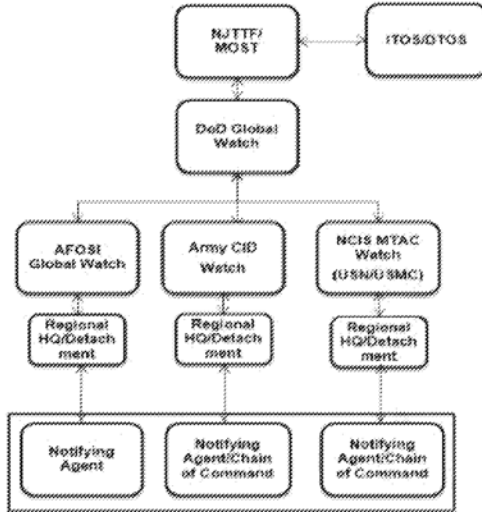
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Current DoD DTW Process



- ITOS/DTOS sends overtly identified DoD personnel to NJTTF/MOST for notification; MOST provides information to DoD Global Watch
- Upon receipt of the "Kill List," DoD Global Watch screens for service affiliation, current address, and then push to field regional commands/units for notification purposes
- "Kill List" that specifically names DoD as target:
 - DoD Global Watch will screen entire "kill list" for service affiliation for notification purposes
- "Kill List" that does not specifically name DoD as a target:
 - DoD Global Watch no longer pro-actively screens large kill lists
 - DoD Global Watch will only screen overtly identified DoD personnel (e.g. dot mil email, military rank and/or occupation, address on an installation)
- MCI/Os / Services report confirmation of notification to MCI/O regional HQs who in turn notify their components at DoD Global Watch of the successful notification
- DoD Global Watch provides list of completed notifications to NJTTF/MOST for central tracking purposes on weekly basis
- JTTFs and MCI/Os are strongly encouraged to coordinate prior to or during the notifications process



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(U) Counterterrorism Policy Guide

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(U//~~FOUO~~) If an explosives incident is likely to receive nationwide publicity, and it is not immediately known if an actual bombing within FBI jurisdiction has occurred, furnish CTD with available background and details using the appropriate written communication.

10.4.7.1. (U) Jurisdiction

(U//~~FOUO~~) Both the FBI and the ATF have jurisdiction to investigate violations of federal explosive laws. The FBI and ATF have concurrent statutory authority to investigate violations of 18 U.S.C. § 844, (d)-(i), as described in 18 U.S.C. § 846, and have negotiated an MOU setting forth their respective roles. [redacted]

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[redacted] Furthermore, in investigations where the FBI traditionally has exercised jurisdiction (e.g., bank robberies, civil rights violations, and organized crime), the FBI will control the investigations (refer to the relevant FBI-ATF MOU). Advise CTD if the ATF attempts to exercise jurisdiction in a matter being investigated by the FBI or if any other problem is encountered with ATF. The deputy Attorney General will resolve all issues relating to jurisdiction over explosives investigations.

(U//~~FOUO~~) The ATF has primary jurisdiction for investigations involving the unlawful manufacture, possession, or transfer of a destructive device (26 U.S.C. § 5861(d)-(f)), and the unlawful importation, manufacture, distribution, or storage of explosives (18 U.S.C. §§ 841-843). While case agents need to be alert for such violations, the FBI will not transfer responsibility for an otherwise substantive FBI investigation to the ATF because of the mere presence of one of these violations.

10.4.7.2. (U) Bomb Threats

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

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[redacted] An evaluation of any suspicious item needs to be made by an FBI bomb technician, bomb squad personnel, or a military explosive ordnance disposal (EOD) unit. Render safe responsibilities for located bomb devices rest with the bomb squad personnel or military EOD unit. Each FO must have a bomb threat plan. See DIOG Section 14 for the threat to life policy.

(U//~~FOUO~~) Immediately notify CTD by telephone, followed by a detailed EC, in the following instances:

- [redacted]
- [redacted]
- [redacted]
- [redacted]

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- (U//~~FOUO~~) If the identity of the subject is known, alleged, or readily available.
- (U//~~FOUO~~) If a threat appears to be part of a pattern or plan by a particular subject or against a particular victim.

(U//~~FOUO~~) FOs must notify the impacted federal, state, local, or foreign partners, in accordance with DIOG Section 14 and subsection 4.2, of this PG. FOs will also advise the USAO telephonically of all incidents or threats reported to CTD that are within FBI jurisdiction. Unless circumstances dictate otherwise, such notification will be made during business hours.

(U//~~FOUO~~) Bombings, attempted bombings, and bomb threats constituting other substantive violations within FBI jurisdiction, such as the federal train wreck statute, destruction of aircraft or motor vehicles, civil rights, and extortion, will be handled in accordance with the rules for the particular violation involved and DIOG subsection 14.7. CTD and/or the Criminal Investigative Division (CID) must be advised of the incident under the appropriate substantive caption.

(U//~~FOUO~~) **Note:** Situations involving bombings or attempted bombings of government property and sabotage by use of explosive are handled as 174 matters.

(U//~~FOUO~~) Any false reports or actual instances of a bomb aboard an aircraft unrelated to an aircraft hijacking incident will be investigated using the 149 - Destruction of Aircraft or Motor Vehicles (DAMV) classification. Any bomb threats involving an aircraft hijacking incident will be investigated using the 164 - Crime Aboard Aircraft (CAA) classification. These requirements will assist in maintaining uniformity in the Time Utilization and Recordkeeping (TURK) records and clarity as to which FBIHQ program manages the investigation. For more information regarding the 149 and 164 classifications, refer to the Transportation Crimes Policy Guide (0435PG).

(U//~~FOUO~~) All written bomb threats are to be submitted to the Lab for document examination and for latent fingerprint examination, whether or not an active investigation is being conducted by the FBI.

10.4.7.3. (U) Bomb Disposal

(U//~~FOUO~~) FOs must maintain liaison with military EOD units and/or local law enforcement bomb squads so that assistance can be promptly obtained if bombs or live explosives are encountered in connection with official investigations. The U.S. Army has EOD units stationed throughout the United States, including Alaska and Hawaii. These units, which have assisted the FBI in the past, have personnel qualified to disarm bombs and handle and dispose of live explosives.

(U//~~FOUO~~) In emergency conditions, requests for assistance from Army EOD units are usually oral. All such oral requests are to be confirmed in writing by a letter addressed to the commanding officer of the EOD unit involved. Because the Army has no EOD unit in Puerto Rico, the San Juan Field Office must maintain liaison with the appropriate U.S. Navy facility for any necessary assistance.

(U//~~FOUO~~) Bombs are to be rendered safe by qualified bomb disposal personnel. Render safe is the responsibility of public safety bomb squads and military EOD units. FBI bomb technicians

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(U) Counterterrorism Policy Directive and Policy Guide



(U) Federal Bureau of Investigation

(U) Counterterrorism Division

(U) 0775DPG

(U) Published Date: April 1, 2015

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~~Derived from: FBI NSICG 20130301
Classified by: F48M57K72, FBI/CTD/PCU
Declassify on: 20400205~~

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

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4. (U) General Provisions for Counterterrorism Investigations

4.1. (U) National Management of Counterterrorism Investigations

(U//~~FOUO~~) Counterterrorism investigations involving both DT and IT are nationally managed by CTD. As the national program manager, the AD of CTD may provide direction for all matters within the CT Program, to include operational matters. Disagreements between FOs, legal attachés (Legat), and/or FBIHQ will be worked out at the lowest appropriate level. As necessary, the AD of CTD may resolve the matter between FOs and/or FBIHQ by making a final decision, consulting, as appropriate, with other FBIHQ programs. All unresolved disagreements with Legats and CTD shall be resolved by the IOD AD and CTD AD. During the course of each stage of an investigation, it is essential for FOs to coordinate with the appropriate CTD operational, analytical, reports dissemination, and operational support units.

(U//~~FOUO~~) If an IT or DT investigative opening or closing is denied by FBIHQ, the AD of CTD, the FO SAC, and the OGC deputy general counsel (DGC) must confer. The AD of CTD will be the final arbitrator and will make all appropriate notifications. If an IT investigative opening is denied by FBIHQ for lack of predication, CTD is required to notify the deputy Attorney General and document the notification to the investigative file, informing any affected FO and CTD elements of the denial.

4.2. (U) Addressing Counterterrorism Threats

(U//~~FOUO~~) The mission of the CTD is to defeat terrorism. Accomplishing this task requires the continuous monitoring and analysis of intelligence to promptly detect and act on threats, as well as sharing the information as broadly as possible with the FBI's federal, state, local, and foreign government partners, consistent with the protection of sensitive national security information, applicable federal law, memoranda of understanding (MOU), and/or FBI policies.

(U//~~FOUO~~) As such, within 24 hours of the receipt of information about an immediate threat to life, property, or national security, FOs and CTD program management units must take appropriate investigative action with the information to determine the veracity and type of threat, including, as available:

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~~(U//FOUO)~~ Additionally, FOs and CTD program management units must promptly notify [redacted] affected Legat offices, and, as appropriate, other law enforcement and/or intelligence service partners having jurisdiction over, or investigative interest in, the matter. Notifications outside the FBI must be conducted in accordance with DIOG Section 14 regarding notifications involving threats to life. FOs and CTD program managers must coordinate their activities to ensure proper notification is provided.

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~~(U//FOUO)~~ Also, FOs, through Weapons of Mass Destruction coordinators (WMDC), must diligently address any threat or potential threat posed by a potential weapon of mass destruction (WMD). Situational reports and threat evaluations must be coordinated and distributed by the WMD Directorate (WMDD) via established protocols with the FBI Laboratory, Critical Incident Response Group (CIRG), and FO WMDC. WMDD must submit all information to CTD [redacted] FOs must submit investigative reports to both CTD and the WMDD embeds within CTD, as appropriate.

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4.2.1. (U) [redacted]

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4.2.1.1. (U) [redacted]

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

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[redacted]

4.2.1.2. (U) [redacted]

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

[redacted]

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

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[redacted]

4.2.1.3. (U) [redacted]

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

[redacted]

[Redacted]

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(U//~~FOUO~~)

[Redacted]

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(U//~~FOUO~~)

[Redacted]

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4.3. (U) Counterterrorism Program Baseline Collection Plan

4.3.1. (U) Intelligence Collection and Reporting Strategy

(U//~~FOUO~~) In an effort to standardize information and intelligence collection, as well as provide investigative guidance for both DT and IT investigations, CTD has established an investigative framework collectively referred to as “baseline collection.” The purpose of baseline collection is to guide investigators in obtaining intelligence and using investigative methods during the course of each DT or IT investigation. Baseline collection is not mandatory and is not an all-inclusive listing, but rather a best practice list of items that may be accomplished when legally permissible, relevant, and consistent with the DIOG during an assessment or predicated investigation.

(U//~~FOUO~~) Baseline collection was established to provide programmatic standards in terms of the quality and thoroughness of assessments and predicated investigations. Baseline collection can help prevent gaps in investigative efforts. FOs are reminded that all investigative efforts are subject to the AGG-Dom and the DIOG. The least intrusive means of investigation/collection must be utilized under the AGG-Dom or DIOG (refer to the section on least intrusive methods in the DIOG). Baseline collection is intended to serve as a guide through the various investigative stages. Common sense will be applied when determining whether a particular item contained in the baseline collection pertains to a specific assessment or investigation. If there is doubt as to whether the appropriate authority exists in an individual investigation to address a baseline collection item, employees are to consult the chief division counsel (CDC), OGC, and/or the CTD program manager.

(U//~~FOUO~~) Supervisors may address baseline collection with case agents during investigative file reviews, and such reviews will inform many of the intelligence and collection matters required for review, in accordance with DIOG subsection 3.4.4.6. In addition to standardizing

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DOMESTIC INVESTIGATIONS AND OPERATIONS GUIDE

FEDERAL BUREAU OF INVESTIGATION

RELEASED JULY 23, 2018

UPDATED DECEMBER 28, 2018

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.

(U)



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(U) The Attorney General has also issued revised Guidelines for the Disclosure and Use of Grand Jury Information under Rule 6(e)(3)(D). On May 15, 2008, the Deputy Attorney General issued a memorandum which provides amplifying guidance as to lawful use and disclosure of 6(e) information. See also DIOG subsections 18.6.5.11 and 12.

14.7 (U) THREAT TO LIFE – DISSEMINATION OF INFORMATION

14.7.1 (U) OVERVIEW

(U//~~FOUO~~) The FBI has a responsibility to notify persons of threats to their life or threats that may result in serious bodily injury and to notify other law enforcement agencies of such threats (Extracted from DOJ Office of Investigative Policies, Resolution 20, dated 12/16/96). Depending on the exigency of the situation, an employee, through his or her supervisor, must notify the appropriate operational division at FBIHQ of the existence of the threat and the plan for notification. That plan may be followed unless advised to the contrary by FBIHQ.

14.7.2 (U//~~FOUO~~) INFORMATION RECEIVED THROUGH FISA SURVEILLANCE

(U//~~FOUO~~) If information is received through a FISA-authorized investigative technique indicating a threat to life or serious bodily harm within the scope of Section 14.7, the field office case agent responsible for that FISA must immediately coordinate the matter with the FBIHQ SSA responsible for that investigation and an NSLB attorney from the applicable counterintelligence or counterterrorism law unit. These individuals must consult the applicable FISA minimization procedures, consider the operational posture of the investigation, and collectively determine the appropriate manner in which to proceed. FBI executive management may be consulted, as appropriate (e.g., if DIDO or declassification authority is needed). The field office case agent must document the dissemination. If the decision is made not to disseminate the

threat information, that decision must be approved by an ASAC or higher and the reasons must be documented in the applicable investigative file.

14.7.3 (U) DISSEMINATION OF INFORMATION CONCERNING THREATS AGAINST INTENDED VICTIMS (PERSONS)

14.7.3.1 (U) WARNING TO THE INTENDED VICTIM (PERSON)

14.7.3.1.1 (U) EXPEDITIOUS WARNINGS TO IDENTIFIABLE INTENDED VICTIMS

(U//~~FOUO~~) Except as provided below in Sections 14.7.3.1.1.1 (Exceptions) and 14.7.3.1.2 (Custody or Protectee), when an employee has information that a person who is identified or can be identified through reasonable means (hereafter a "intended victim") is subject to a credible threat to his/her life or of serious bodily injury, the FBI employee must attempt expeditiously to warn the intended victim of the nature and extent of the threat.

14.7.3.1.1.1 (U) EXCEPTIONS TO WARNING

(U//~~FOUO~~) An employee is not required to warn an intended victim if :

A) (U//~~FOUO~~) [REDACTED]

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B) (U//~~FOUO~~) the intended victim knows the nature and extent of the specific threat against him/her.

14.7.3.1.1.2 (U) MEANS, MANNER, AND DOCUMENTATION OF WARNING/NOTIFICATION OR DECISION NOT TO WARN

(U//~~FOUO~~) The FBI employee, in consultation with his or her supervisor, must determine the means and manner of the warning, using the method most likely to provide direct notice to the intended victim. In some cases, this may require the assistance of a third party. The employee must document on an FD-999 the content of the warning, as well as when, where and by whom it was delivered to the intended victim. The FD-999 must be placed in a zero file or if investigative methods are used, the appropriate investigative file.

(U//~~FOUO~~) The employee, in consultation with his or her supervisor, may seek the assistance of another law enforcement agency to provide the warning. If this is done, the employee must document on an FD-999 that notice was provided by that law enforcement agency, as well as when, where and by whom (i.e., the name of the other agency's representative) it was delivered. The employee must also document the other agency's agreement to provide a timely warning. The FD-999 must be filed as specified above.

(U//~~FOUO~~) Whenever time and circumstances permit, an employee's decision not to provide a warning in these circumstances must be approved by an ASAC or higher. In all cases, the reasons for not providing a warning must be documented by EC in a zero file or if investigative methods are used, the appropriate investigative file.

²² (U//~~FOUO~~) [REDACTED]

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14.7.3.1.2 **(U) WARNINGS WHEN INTENDED VICTIM IS IN CUSTODY OR IS A PROTECTEE**

(U//~~FOUO~~) When an employee has information that a person described below is an intended victim, the employee, in consultation with his or her supervisor, must expeditiously notify the law enforcement agency that has protective or custodial jurisdiction of the threatened person.

(U//~~FOUO~~) This section applies when the intended victim is:

A) (U//~~FOUO~~) a public official who, because of his/her official position, is provided a protective detail;

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

[REDACTED]

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C) (U//~~FOUO~~) detained or incarcerated.

(U//~~FOUO~~) This paragraph does not apply to employees serving on the security detail of the FBI Director or any other FBI protected persons when the threat is to the individual they protect.

14.7.3.1.2.1 (U) MEANS, MANNER, AND DOCUMENTATION OF WARNING/NOTIFICATION

(U//~~FOUO~~) The employee, in consultation with his or her supervisor, may determine the means and manner of the notification. When providing notification, the employee shall provide as much information as possible regarding the threat and the credibility of the threat. The employee must document on an FD-999 what he or she informed the other law enforcement agency, and when, where, how (e.g., telephone call, email) and to whom the notice was delivered. The FD-999 must be placed in a zero file or if investigative methods are used, the appropriate investigative file.

14.7.3.2 (U) NOTIFICATION TO LAW ENFORCEMENT AGENCIES THAT HAVE INVESTIGATIVE JURISDICTION

14.7.3.2.1 (U) EXPEDITIOUS NOTIFICATION

14.7.3.2.1.1 (U) THREATS TO INTENDED PERSONS

(U//~~FOUO~~) Except as provided in Sections 14.7.3.2.2, when an employee has information that a person (other than a person described above in Section 14.7.3.1.2) who is identified or can be identified through reasonable means is subject to a credible threat to his/her life or of serious bodily injury, the employee must attempt expeditiously to notify other law enforcement agencies that have investigative jurisdiction concerning the threat.

14.7.3.2.1.2 (U) THREATS TO OCCUPIED STRUCTURES OR CONVEYANCES

(U//~~FOUO~~) When an employee has information that a structure or conveyance which can be identified through reasonable means is the subject of a credible threat which could cause a loss of life or serious bodily injury to its occupants, the employee, in consultation with his or her supervisor, must provide expeditious notification to other law enforcement agencies that have jurisdiction concerning the threat.

14.7.3.2.2 *(U) EXCEPTIONS TO NOTIFICATION*

(U//~~FOUO~~) An employee need not attempt to notify another law enforcement agency that has investigative jurisdiction concerning a threat:

A) (U//~~FOUO~~) [REDACTED]

b7E -2

B) (U//~~FOUO~~) when the other law enforcement agency knows the nature and extent of the specific threat to the intended victim.

(U//~~FOUO~~) Whenever time and circumstances permit, an employee's decision not to provide notification to another law enforcement agency in the foregoing circumstances must be approved by an ASAC or higher. In all cases, the reasons for an employee's decision not to provide notification must be documented in writing in a zero file or if investigative methods are used, the appropriate investigative file.

14.7.3.2.3 *MEANS, MANNER, AND DOCUMENTATION OF NOTIFICATION*

(U//~~FOUO~~) The employee may determine the means and manner of the notification. The employee must document in writing in the applicable investigative file the content of the notification, and when, where, and to whom it was delivered.

14.7.4 *(U//~~FOUO~~) DISSEMINATION OF INFORMATION CONCERNING THREATS, POSSIBLE VIOLENCE OR DEMONSTRATIONS AGAINST FOREIGN ESTABLISHMENTS OR OFFICIALS IN THE UNITED STATES*

(U//~~FOUO~~) If information is received indicating a threat to life within the scope of Section 14.7, or possible violence or demonstrations against foreign establishments or officials in the United States, the field office case agent must immediately coordinate the matter with the FBIHQ SSA responsible for the case, who must notify the Department of State (DOS), United States Secret Service (USSS), and any other Government agencies that may have an interest. See Section IV of the 1973 MOU between the FBI and USSS, for the FBI's information sharing responsibilities with the USSS in such cases.

14.7.5 *(U) DISSEMINATION OF INFORMATION CONCERNING THREATS AGAINST THE PRESIDENT AND OTHER DESIGNATED OFFICIALS*

(U//~~FOUO~~) The United States Secret Service (USSS) has statutory authority to protect or to engage in certain activities to protect the President and certain other persons as specified in 18 U.S.C. § 3056. An MOU between the FBI and USSS specifies the FBI information that the USSS wants to receive in connection with its protective responsibilities.

(U//~~FOUO~~) Detailed guidelines regarding threats against the President of the United States and other USSS protectees can be found in "Presidential and Presidential Staff Assassination, Kidnapping and Assault." (See the [REDACTED])

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**DOMESTIC INVESTIGATIONS
AND OPERATIONS GUIDE
FEDERAL BUREAU OF INVESTIGATION
RELEASED MARCH 3, 2016
UPDATED SEPTEMBER 28, 2016**

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.

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(U) The Attorney General has also issued revised Guidelines for the Disclosure and Use of Grand Jury Information under Rule 6(e)(3)(D). On May 15, 2008, the Deputy Attorney General issued a memorandum which provides amplifying guidance as to lawful use and disclosure of 6(e) information. See also AGG-Dom, Part V.A.8 and DIOG subsections 18.6.5.11 and 12.

14.7 (U) THREAT TO LIFE – DISSEMINATION OF INFORMATION

14.7.1 (U) OVERVIEW

(U//~~FOUO~~) The FBI has a responsibility to notify persons of threats to their life or threats that may result in serious bodily injury and to notify other law enforcement agencies of such threats (Extracted from DOI Office of Investigative Policies, Resolution 20, dated 12/16/96). Depending on the exigency of the situation, an employee, through his or her supervisor, must notify the appropriate operational division at FBIHQ of the existence of the threat and the plan for notification. That plan may be followed unless advised to the contrary by FBIHQ.

14.7.2 (U//~~FOUO~~) INFORMATION RECEIVED THROUGH FISA SURVEILLANCE

(U//~~FOUO~~) If information is received through a FISA-authorized investigative technique indicating a threat to life or serious bodily harm within the scope of Section 14.7, the field office case agent responsible for that FISA must immediately coordinate the matter with the FBIHQ SSA responsible for that investigation and an NSLB attorney from the applicable counterintelligence or counterterrorism law unit. These individuals must consult the applicable FISA minimization procedures, consider the operational posture of the investigation, and collectively determine the appropriate manner in which to proceed. FBI executive management may be consulted, as appropriate (e.g., if DIDO or declassification authority is needed). The field

office case agent must document the dissemination. If the decision is made not to disseminate the threat information, that decision must be approved by an ASAC or higher and the reasons must be documented in the applicable investigative file.

14.7.3 (U) DISSEMINATION OF INFORMATION CONCERNING THREATS AGAINST INTENDED VICTIMS (PERSONS)

14.7.3.1 (U) WARNING TO THE INTENDED VICTIM (PERSON)

14.7.3.1.1 (U) EXPEDITIOUS WARNINGS TO IDENTIFIABLE INTENDED VICTIMS

(U//~~FOUO~~) Except as provided below in Sections 14.7.3.1.1.1 (Exceptions) and 14.7.3.1.2 (Custody or Protectee), when an employee has information that a person who is identified or can be identified through reasonable means (hereafter a "intended victim") is subject to a credible threat to his/her life or of serious bodily injury, the FBI employee must attempt expeditiously to warn the intended victim of the nature and extent of the threat.

14.7.3.1.1.1 (U) EXCEPTIONS TO WARNING

(U//~~FOUO~~) An employee is not required to warn an intended victim if:

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

[REDACTED]

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B) (U//~~FOUO~~) the intended victim knows the nature and extent of the specific threat against him/her.

14.7.3.1.1.2 (U) MEANS, MANNER, AND DOCUMENTATION OF WARNING/NOTIFICATION OR DECISION NOT TO WARN

(U//~~FOUO~~) The FBI employee, in consultation with his or her supervisor, must determine the means and manner of the warning, using the method most likely to provide direct notice to the intended victim. In some cases, this may require the assistance of a third party. The employee must document on an FD-999 the content of the warning, as well as when, where and by whom it was delivered to the intended victim. The FD-999 must be placed in a zero file or if investigative methods are used, the appropriate investigative file.

(U//~~FOUO~~) The employee, in consultation with his or her supervisor, may seek the assistance of another law enforcement agency to provide the warning. If this is done, the employee must document on an FD-999 that notice was provided by that law enforcement agency, as well as when, where and by whom (i.e., the name of the other agency's representative) it was delivered. The employee must also document the other agency's agreement to provide a timely warning. The FD-999 must be filed as specified above.

(U//~~FOUO~~) Whenever time and circumstances permit, an employee's decision not to provide a warning in these circumstances must be approved by an ASAC or higher. In all cases, the reasons for not providing a warning must be documented by EC or similar successor form in a zero file or if investigative methods are used, the appropriate investigative file.

²² (U//~~FOUO~~)

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14.7.3.1.2 (U) **WARNINGS WHEN INTENDED VICTIM IS IN CUSTODY OR IS A PROTECTEE**

(U//~~FOUO~~) When an employee has information that a person described below is an intended victim, the employee, in consultation with his or her supervisor, must expeditiously notify the law enforcement agency that has protective or custodial jurisdiction of the threatened person.

(U//~~FOUO~~) This section applies when the intended victim is:

- A) (U//~~FOUO~~) a public official who, because of his/her official position, is provided a protective detail;
- B) (U//~~FOUO~~)
- C) (U//~~FOUO~~) detained or incarcerated.

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(U//~~FOUO~~) This paragraph does not apply to employees serving on the security detail of the FBI Director or any other FBI protected persons when the threat is to the individual they protect.

14.7.3.1.2.1 (U) **MEANS, MANNER, AND DOCUMENTATION OF WARNING/NOTIFICATION**

(U//~~FOUO~~) The employee, in consultation with his or her supervisor, may determine the means and manner of the notification. When providing notification, the employee shall provide as much information as possible regarding the threat and the credibility of the threat. The employee must document on an FD-999 what he or she informed the other law enforcement agency, and when, where, how (e.g., telephone call, email) and to whom the notice was delivered. The FD-999 must be placed in a zero file or if investigative methods are used, the appropriate investigative file.

14.7.3.2 (U) **NOTIFICATION TO LAW ENFORCEMENT AGENCIES THAT HAVE INVESTIGATIVE JURISDICTION**

14.7.3.2.1 (U) **EXPEDITIOUS NOTIFICATION**

14.7.3.2.1.1 (U) **THREATS TO INTENDED PERSONS**

(U//~~FOUO~~) Except as provided in Sections 14.7.3.2.2, when an employee has information that a person (other than a person described above in Section 14.7.3.1.2) who is identified or can be identified through reasonable means is subject to a credible threat to his/her life or of serious bodily injury, the employee must attempt expeditiously to notify other law enforcement agencies that have investigative jurisdiction concerning the threat.

14.7.3.2.1.2 (U) **THREATS TO OCCUPIED STRUCTURES OR CONVEYANCES**

(U//~~FOUO~~) When an employee has information that a structure or conveyance which can be identified through reasonable means is the subject of a credible threat which could cause a loss of life or serious bodily injury to its occupants, the employee, in consultation with his or her supervisor, must provide expeditious notification to other law enforcement agencies that have jurisdiction concerning the threat.

14.7.3.2.2 (U) *EXCEPTIONS TO NOTIFICATION*

(U//~~FOUO~~) An employee need not attempt to notify another law enforcement agency that has investigative jurisdiction concerning a threat:

A) (U//~~FOUO~~) [REDACTED]

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B) (U//~~FOUO~~) when the other law enforcement agency knows the nature and extent of the specific threat to the intended victim.

(U//~~FOUO~~) Whenever time and circumstances permit, an employee's decision not to provide notification to another law enforcement agency in the foregoing circumstances must be approved by an ASAC or higher. In all cases, the reasons for an employee's decision not to provide notification must be documented in writing in a zero file or if investigative methods are used, the appropriate investigative file.

14.7.3.2.3 *MEANS, MANNER, AND DOCUMENTATION OF NOTIFICATION*

(U//~~FOUO~~) The employee may determine the means and manner of the notification. The employee must document in writing in the applicable investigative file the content of the notification, and when, where, and to whom it was delivered.

14.7.4 (U//~~FOUO~~) *DISSEMINATION OF INFORMATION CONCERNING THREATS, POSSIBLE VIOLENCE OR DEMONSTRATIONS AGAINST FOREIGN ESTABLISHMENTS OR OFFICIALS IN THE UNITED STATES*

(U//~~FOUO~~) If information is received indicating a threat to life within the scope of Section 14.7, or possible violence or demonstrations against foreign establishments or officials in the United States, the field office case agent must immediately coordinate the matter with the FBIHQ SSA responsible for the case, who must notify the Department of State (DOS), United States Secret Service (USSS), and any other Government agencies that may have an interest. See Section IV of the 1973 MOU between the FBI and USSS, for the FBI's information sharing responsibilities with the USSS in such cases.

14.7.5 (U) *DISSEMINATION OF INFORMATION CONCERNING THREATS AGAINST THE PRESIDENT AND OTHER DESIGNATED OFFICIALS*

(U//~~FOUO~~) The United States Secret Service (USSS) has statutory authority to protect or to engage in certain activities to protect the President and certain other persons as specified in 18 U.S.C. § 3056. An MOU between the FBI and USSS specifies the FBI information that the USSS wants to receive in connection with its protective responsibilities.

(U//~~FOUO~~) Detailed guidelines regarding threats against the President of the United States and other USSS protectees can be found in "Presidential and Presidential Staff Assassination, Kidnapping and Assault." (See the [REDACTED])

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