



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

March 9, 2022

MR. AUSTIN R. EVERS
AMERICAN OVERSIGHT
SUITE B255
1030 15TH STREET NORTHWEST
WASHINGTON, DC 20005

FOIPA Request No.: 1468792-000
Subject: Documents Regarding Use of Force and
Rules of Engagement

Dear Mr. Evers:

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 check boxes under the appropriate statute headings which indicate the types of exemptions asserted to protect information which is exempt from disclosure. The appropriate exemptions are noted on the enclosed pages next to redacted information. In addition, a deleted page information sheet was inserted to indicate where pages were withheld entirely and identify which exemptions were applied. The checked exemptions used to withhold information are further explained in the enclosed Explanation of Exemptions:

Section 552

☐ (b)(1)

☐ (b)(2)

☐ (b)(3)

☐ (b)(4)

☐ (b)(5)

☒ (b)(6)

☐ (b)(7)(A)

☐ (b)(7)(B)

☒ (b)(7)(C)

☒ (b)(7)(D)

☒ (b)(7)(E)

☐ (b)(7)(F)

☐ (b)(8)

☐ (b)(9)

Section 552a

☐ (d)(5)

☐ (j)(2)

☐ (k)(1)

☐ (k)(2)

☐ (k)(3)

☐ (k)(4)

☐ (k)(5)

☐ (k)(6)

☐ (k)(7)

166 preprocessed pages are enclosed. To expedite requests, preprocessed packages are released the same way they were originally processed. Documents or information originating with other Government agencies that were originally referred to that agency were not referred as part of this release. This material is being provided to you at no charge.

Please refer to the enclosed FBI FOIPA Addendum for additional standard responses applicable to your request. **"Part 1"** of the Addendum includes standard responses that apply to all requests. **"Part 2"** includes additional standard responses that apply to all requests for records about yourself or any third party individuals. **"Part 3"** includes general information about FBI records that you may find useful. Also enclosed is our Explanation of Exemptions.

For questions regarding our determinations, visit the www.fbi.gov/foia website under "Contact Us." The FOIPA Request Number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

If you are not satisfied with the Federal Bureau of Investigation's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States

Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within ninety (90) days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." Please cite the FOIPA Request Number assigned to your request so it may be easily identified.

You may seek dispute resolution services by contacting the Office of Government Information Services (OGIS). The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769. Alternatively, you may contact the FBI's FOIA Public Liaison by emailing foipaquestions@fbi.gov. If you submit your dispute resolution correspondence by email, the subject heading should clearly state "Dispute Resolution Services." Please also cite the FOIPA Request Number assigned to your request so it may be easily identified.

Sincerely,



Michael G. Seidel
Section Chief
Record/Information
Dissemination Section
Information Management Division

Enclosure(s)

FBI FOIPA Addendum

As referenced in our letter responding to your Freedom of Information/Privacy Acts (FOIPA) request, the FBI FOIPA Addendum provides information applicable to your request. Part 1 of the Addendum includes standard responses that apply to all requests. Part 2 includes standard responses that apply to requests for records about individuals to the extent your request seeks the listed information. Part 3 includes general information about FBI records, searches, and programs.

Part 1: The standard responses below apply to all requests:

- (i) **5 U.S.C. § 552(c).** Congress excluded three categories of law enforcement and national security records from the requirements of the FOIPA [5 U.S.C. § 552(c)]. FBI responses are limited to those records subject to the requirements of the FOIPA. Additional information about the FBI and the FOIPA can be found on the www.fbi.gov/foia website.
- (ii) **Intelligence Records.** To the extent your request seeks records of intelligence sources, methods, or activities, the FBI can neither confirm nor deny the existence of records pursuant to FOIA exemptions (b)(1), (b)(3), and as applicable to requests for records about individuals, PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(1), (b)(3), and (j)(2)]. The mere acknowledgment of the existence or nonexistence of such records is itself a classified fact protected by FOIA exemption (b)(1) and/or would reveal intelligence sources, methods, or activities protected by exemption (b)(3) [50 USC § 3024(i)(1)]. This is a standard response and should not be read to indicate that any such records do or do not exist.

Part 2: The standard responses below apply to all requests for records on individuals:

- (i) **Requests for Records about any Individual—Watch Lists.** The FBI can neither confirm nor deny the existence of any individual's name on a watch list pursuant to FOIA exemption (b)(7)(E) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (j)(2)]. This is a standard response and should not be read to indicate that watch list records do or do not exist.
- (ii) **Requests for Records about any Individual—Witness Security Program Records.** The FBI can neither confirm nor deny the existence of records which could identify any participant in the Witness Security Program pursuant to FOIA exemption (b)(3) and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(3), 18 U.S.C. 3521, and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.
- (iii) **Requests for Records for Incarcerated Individuals.** The FBI can neither confirm nor deny the existence of records which could reasonably be expected to endanger the life or physical safety of any incarcerated individual pursuant to FOIA exemptions (b)(7)(E), (b)(7)(F), and PA exemption (j)(2) [5 U.S.C. §§ 552/552a (b)(7)(E), (b)(7)(F), and (j)(2)]. This is a standard response and should not be read to indicate that such records do or do not exist.

Part 3: General Information:

- (i) **Record Searches.** The Record/Information Dissemination Section (RIDS) searches for reasonably described records by searching systems or locations where responsive records would reasonably be found. A standard search normally consists of a search for main files in the Central Records System (CRS), an extensive system of records consisting of applicant, investigative, intelligence, personnel, administrative, and general files compiled by the FBI per its law enforcement, intelligence, and administrative functions. The CRS spans the entire FBI organization, comprising records of FBI Headquarters, FBI Field Offices, and FBI Legal Attaché Offices (Legats) worldwide; Electronic Surveillance (ELSUR) records are included in the CRS. Unless specifically requested, a standard search does not include references, administrative records of previous FOIPA requests, or civil litigation files. For additional information about our record searches, visit www.fbi.gov/services/information-management/foipa/requesting-fbi-records.
- (ii) **FBI Records.** Founded in 1908, the FBI carries out a dual law enforcement and national security mission. As part of this dual mission, the FBI creates and maintains records on various subjects; however, the FBI does not maintain records on every person, subject, or entity.
- (iii) **Requests for Criminal History Records or Rap Sheets.** The Criminal Justice Information Services (CJIS) Division provides Identity History Summary Checks – often referred to as a criminal history record or rap sheet. These criminal history records are not the same as material in an investigative “FBI file.” An Identity History Summary Check is a listing of information taken from fingerprint cards and documents submitted to the FBI in connection with arrests, federal employment, naturalization, or military service. For a fee, individuals can request a copy of their Identity History Summary Check. Forms and directions can be accessed at www.fbi.gov/about-us/cjis/identity-history-summary-checks. Additionally, requests can be submitted electronically at www.edo.cjis.gov. For additional information, please contact CJIS directly at (304) 625-5590.
- (iv) **National Name Check Program (NNCP).** The mission of NNCP is to analyze and report information in response to name check requests received from federal agencies, for the purpose of protecting the United States from foreign and domestic threats to national security. Please be advised that this is a service provided to other federal agencies. Private Citizens cannot request a name check.

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.

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**(U) Civil Rights Program Policy Directive and
(U) Policy Guide**



**(U) Federal Bureau of Investigation
(U) Criminal Investigative Division
(U) 0620DPG**

(U) Published Date: August 21, 2013

(U) Review Date: August 21, 2017

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

(U) Revised: 08/26/2016

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POLICY DIRECTIVE

0620D

1. Policy Directive Title.	Civil Rights Program Policy Guide
2. Publication Date.	2013-08-21
3. Effective Date.	2013-08-21
4. Review Date.	2017-08-21
5. Date of Last Renewal. 08/26/2016	
6. Authorities: 6.1. Title 18 United States Code (U.S.C.) Sections (§§) 241, 242, 245, 247, 248, 249, 1531, 1584, 1589-1594 6.2. 42 U.S.C. § 3631 6.3. <i>Attorney General's Guidelines for Domestic FBI Operations</i> (AGG-Dom), dated December 1, 2008.	
7. Purpose: To promulgate the <i>Civil Rights Program Policy Guide</i>	
8. Policy Statement: 8.1. All Federal Bureau of Investigation (FBI) employees, detailees, contractors, task force officers (TFO), and others responsible for analyzing information, investigating crimes, and collecting evidence in matters involving violations of statutes and laws applicable to civil rights investigations must comply with the policies and procedures contained in the <i>Civil Rights Program Policy Implementation Guide</i> , which are consistent with the laws, rules, and regulations governing FBI investigations, operations, programs, and activities. (See the <i>Civil Rights Program Policy Implementation Guide</i> for these policies and procedures.) 8.2. Any revisions, amendments or updates to this PG must be coordinated through the Corporate Policy Office (CPO), the Criminal Investigative Division (CID) policy officer, and other relevant stakeholders (as determined by CPO and CID). Resulting changes must then be approved by the CID's assistant director and the executive assistant director (EAD), Criminal, Cyber, Response and Services Branch, as appropriate.	
9. Scope: This directive and the policies and procedures contained in the <i>Civil Rights Program Policy Guide</i> apply to all FBI employees, detailees, contractors, TFOs, and others responsible for analyzing information,	

investigating crimes, and collecting evidence in matters involving violations of statutes and laws applicable to civil rights investigations.

10. Proponent:

Criminal Investigative Division

11. Roles and Responsibilities:

See the *Civil Rights Program Policy Guide*.

12. Exemptions:

See the *Civil Rights Program Policy Guide*.

13. Supersession:

13.1. *Civil Rights Program Policy Guide* (0342PG), dated October 18, 2010

13.2. Corporate Policy Directive 0342D, dated October 18, 2010

13.3. *Manual of Investigative Operations and Guidelines* (MIOG) Part 1, Sections 173 and 189

14. References, Key Words, and Links:

14.1. See the *Civil Rights Program Policy Guide*.

14.2. See the *FBI Domestic Investigations and Operations Guide* (DIOG).

15. Definitions:

See Appendix I of the *Civil Rights Program Policy Guide*, "Key Words and Acronyms."

16. Appendices, Attachments, and Forms:

16.1. Appendix A: "Sources of Additional Information"

16.2. Appendix B: "CRP Classifications and Federal Statutes"

16.3. Appendix C: "Recommended Questions for Human Trafficking Assessments and Predicated Investigations"

16.4. Appendix D: "Protocols for Working Human Trafficking Investigations"

16.5. Appendix E: "Recommended Questions for FACE Assessments and Predicated Investigations"

16.6. Appendix F: "Protocols for Working FACE Act Violations"

16.7. Appendix G: "Statutes Associated with Civil Rights Investigations"

16.8. Appendix H: "Contacts"

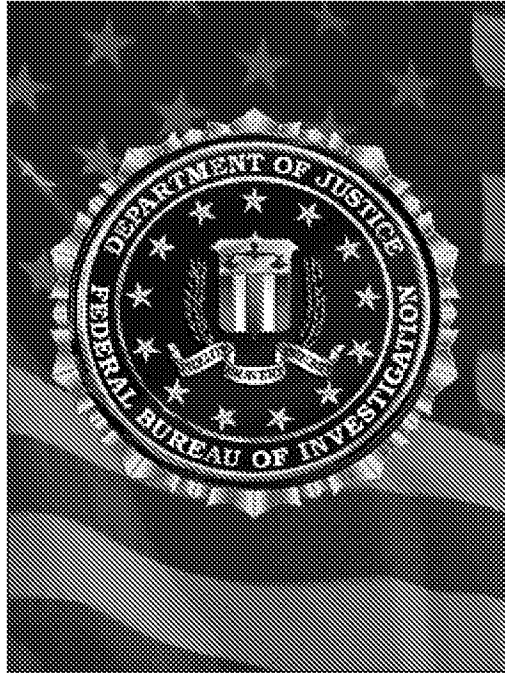
16.9. Appendix I: "Key Words and Acronyms"

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Title:	Assistant Director, Criminal Investigative Division
Final Approval	
Name:	Richard A. McFeely
Title:	Executive Assistant Director, Criminal, Cyber, Response and Services Branch

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(U) Civil Rights Program Policy Implementation Guide

**(U) Civil Rights Program
(U) Policy Implementation Guide**



**(U) Federal Bureau of Investigation
(U) Criminal Investigative Division
(U) 0620PG**

(U) August 21, 2013

(U) Revised: 08/26/2016

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(U) Civil Rights Program Policy Guide

(U) General Information

(U) Questions or comments pertaining to this policy implementation guide can be directed to:

(U) Federal Bureau of Investigation Headquarters, Criminal Investigative Division,
Division 6, Public Corruption/Civil Rights Section, Civil Rights Unit

(U) Division point of contact: unit chief, Civil Rights Unit

(U) DIOG Provision:

(U) No policy or PG may contradict, alter or otherwise modify the standards of the DIOG. Requests for DIOG modifications can be made to the Internal Policy office (IPO) pursuant to DIOG Section 3.2.2 paragraphs (A), (B), (C) and (D).

(U) Supersession Information

(U) This document supersedes the *Civil Rights Policy Implementation Guide* (0342PG), Corporate Policy Directive 0342D, and the *Manual of Investigative Operations and Guidelines* (MIOG) Part 1, Sections 173 and 189.

(U) This document and its contents are the property of the FBI. If the document or its contents are provided to an outside agency, it and its contents are not to be distributed outside of that agency without the written permission of the unit or individual(s) listed in the contact section of this policy implementation guide.

(U) ~~LAW ENFORCEMENT SENSITIVE~~: The information marked (U//~~LES~~) in this document is the property of the Federal Bureau of Investigation and is for internal use within the FBI only. Distribution outside the FBI without Civil Rights Unit authorization is prohibited. Precautions must be taken to ensure this information is stored and/or destroyed in a manner that precludes unauthorized access. Information bearing the ~~LES~~ caveat may not be used in legal proceedings without first receiving authorization from the originating agency. Recipients are prohibited from subsequently posting the information marked ~~LES~~ on a Web site on an unclassified network.

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1. (U) Scope

1.1. (U) Purpose

~~(U//FOUO)~~ The purpose of the *Civil Rights Program Policy Implementation Guide* is to provide Federal Bureau of Investigation (FBI) personnel with a detailed framework and clear guidance about the Civil Rights Program (CRP), including designated responsibilities; Civil Rights (CR) subprograms; statutes applicable to each CR-related violation; instructions for completing CR reports; applicable administrative procedures; mandatory reporting requirements; investigatory guidance; and best practices.

1.2. (U) Background

~~(U//FOUO)~~ The FBI is the primary federal agency responsible for investigating alleged violations of federal civil rights statutes. These laws are designed to protect the civil rights of all persons, citizens, and noncitizens within the United States (U.S.) and its territories. The mission of the CRP is to enforce federal CR statutes and to ensure that the protected rights of all persons in the United States are not abridged. The CRP is divided into four subprograms: Hate Crimes (HC), Color of Law (COL), Human Trafficking (HT), and the Freedom of Access to Clinic Entrances (FACE) Act. Because of the nature of CR violations, and the impact of those crimes on victims and communities, CR investigations must be opened promptly. In order to assist FBI personnel with the investigation of credible allegations of violations of federal civil rights laws, and in order for the Civil Rights Unit (CRU) to maintain accurate records and statistics regarding the opening of each investigation, the administrative procedures and reporting requirements detailed in this policy implementation guide (PG) have been implemented.

~~(U//FOUO)~~ In order to be responsive to both the public and the Department of Justice Civil Rights Division (DOJ-CRT) in matters involving CR violations, FBI personnel need a clear and comprehensive PG that addresses the basic elements of CR violations and the investigative processes applicable to this type of investigation. This PG was updated in accordance with the *Attorney General's Guidelines for Domestic FBI Operations (AGG-Dom)* of September 29, 2008, and the *Domestic Investigations and Operations Guide (DIOG)* of October 15, 2011, as amended. All CR investigations must comply with the AGG-Dom and the DIOG. Any changes to the CR investigative process are shared, in substance, with DOJ-CRT.

1.3. (U) Intended Audience

~~(U//FOUO)~~ This PG is for the use of all FBI employees, but particularly for those who have the responsibility of analyzing information, investigating crimes, and collecting evidence in matters involving violations of statutes and laws applicable to CR investigations. Those employees must be familiar with the general framework and guidelines that articulate the circumstances when CR investigations are opened, the types of investigations that are opened, the documentation to be submitted, and pertinent reporting requirements.

2. (U) Roles and Responsibilities

2.1. (U) Department of Justice - Civil Rights Division

- (U) Manages the DOJ's CRP
- (U) Coordinates prosecution of CR matters with various United States Attorney's Offices (USAO), the FBI, and other federal, state, and local investigative agencies
- (U) Forwards allegations of possible violations of criminal civil rights statutes to the FBI
- (U) Reviews FBI investigative reports and coordinates with USAOs to make prosecutorial decisions
- (U) Provides closing notifications to field offices (FO)
- (U) Coordinates with case agents on investigative steps and prosecutorial decisions

2.2. (U) United States Attorney's Offices

- (U) Coordinate prosecutions of CR matters with DOJ-CRT and the FBI
- (U) Review FBI investigative reports and coordinates with DOJ-CRT to make prosecutorial decisions
- (U) Forward allegations of possible violations of criminal civil rights statutes to the FBI

2.3. (U) Field Offices

2.3.1. (U) Program Manager (Assistant Special Agent in Charge [ASAC])

- (U) Advises the special agent in charge (SAC) on all facets of the CRP
- (U) Ensures effective direction, guidance, and leadership for the program
- (U) Oversees the operational, administrative, and intelligence components of the CRP
- (U) Analyzes and evaluates the FO's CR domain analysis to ensure that the FO is adequately addressing CR issues
- (U) Establishes proper CR investigative priorities, goals, objectives, and resource allocation
- (U) Monitors major case openings
- (U) Monitors participation in CR task forces and working groups
- (U) Conducts periodic reviews of the CRP to ensure that divisions identify sensitive investigative matters (SIM) and communicates investigative results to DOJ-CRT
- (U) Ensures that proper files are established to document activities
- (U) Cultivates/develops investigation-enhancing liaison with outside agencies
- (U) Monitors liaison, training, and an intelligence base applicable to the CRP to ensure adequate coverage of all four CR subprograms

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- (U) Oversees compliance with CRP administrative guidance and reporting requirements

2.3.2. (U) Program Coordinator (Supervisory Special Agent [SSA])

- (U) Oversees the CRP on a daily basis
- (U) Confers with the ASAC regularly regarding CRP developments, concerns, priorities, goals, and objectives
- (U) Frequently advises the CRU on significant developments, including matters garnering media attention and investigations that are in the prosecutorial stage
- (U) Ensures proper utilization of CRP resources
- (U) Coordinates with other program SSAs to ensure a unified and focused investigative effort
- (U) Tracks resource utilization, intelligence base development, crime problem/domain analysis, liaison, and training associated with the CRP and its subprograms
- (U) Plays a pivotal role in developing beneficial liaison contacts for the program
- (U) Serves as a link for CRP coordination between an FO's headquarters city and resident agency/agencies (RA)
- (U) Implements a proactive CR training program for outside organizations, including state and local police departments and law enforcement agencies; nongovernmental organizations (NGO); and community, minority, and special interest groups that are relevant and active in the FO's area of responsibility.
- (U) Ensures that all special agent (SA) personnel working CR matters are properly trained in conducting such investigations and are knowledgeable of CRP administrative and reporting requirements
- (U) Supervises CR investigations in a thorough and expeditious manner
- (U) Conducts a quarterly evaluation of closed FD-71s ("Complaint Form") to ensure justification of closures
- (U) Ensures compliance with CRP administrative guidelines and reporting requirements
- (U) Coordinates CR investigations with DOJ-CRT and the USAO

2.3.3. (U) Special Agent

- (U) Conducts CR investigations in a thorough and expeditious manner
- (U) Complies with CRP administrative guidelines and reporting requirements
- (U) Coordinates CR investigations with DOJ-CRT and the USAO
- (U) Creates, develops, and establishes a strong intelligence base in support of CR investigations

2.3.4. (U) Field Intelligence Group (FIG)

- (U) Gathers, reviews, analyzes, and disseminates CR intelligence information that assists the FO in implementing an efficient CRP
- (U) Prepares the CRP domain assessment with input from the FO's CRP coordinator
- (U) Prepares and disseminates the necessary intelligence bulletins on significant CRP issues, intelligence, or events

2.4. (U) Federal Bureau of Investigation Headquarters (FBIHQ)

2.4.1. (U) Civil Rights Unit

- (U) Oversees the national CRP
- (U) Develops and implements CR training, policies, administrative procedures, and reporting guidelines
- (U) Provides guidance to the field on program management and investigative matters
- (U) Conducts CRP reviews, inspections, briefings, and other required assignments, as necessary
- (U) Coordinates investigative matters and policy issues with DOJ-CRT
- (U) Establishes national liaison contacts

2.4.1.1. (U) Unit Chief (UC)

- (U) Provides direction to the CRP
- (U) Provides direction and guidance to all unit personnel
- (U) Reports significant issues to the section chief (SC), assistant SC, and Criminal Investigative Division (CID) executive management
- (U) Coordinates program management with FBIHQ entities and DOJ-CRT
- (U) Maintains liaison with national CR advocacy organizations and other government agencies
- (U) Oversees the implementation of CRP training and policies
- (U) Establishes program goals, objectives, and priorities

2.4.2. (U) FBIHQ Supervisory Special Agent

- (U) Manages all aspects of the CRP within an assigned region and subprogram
- (U) Provides guidance and assistance to FOs
- (U) Handles requests from the DOJ- CRT
- (U) Directs supervision and professional development of assigned professional staff employees

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- (U) Handles program evaluations and reviews, CR inspections, urgent reports, SAC Performance Appraisal Reports (PAR), congressional requests, and any other matters assigned by the UC, assistant SC, SC, and CID executive management
- (U) Conducts SAC briefings
- (U) Analyzes the field office strategic plan (FOSP)
- (U) Prepares talking points, briefing papers, Director's notes, and any other materials necessary for executive management
- (U) Conducts training for the FBI National Academy; new agent classes; and other state, local, and international entities
- (U) Reviews proposed legislation affecting the program
- (U) Monitors significant investigations

2.4.2.1. (U) Management and Program Analyst (MAPA)

- (U) Assists and supports CRU SSAs in the preparation of program evaluations, CR inspections, SAC PARs, SAC briefings, talking points, briefing papers, Director's notes, and related documents
- (U) Maintains unit statistics
- (U) Assists SSAs and the UC in their preparation for training new agent classes and other local, state, federal, and international entities
- (U) Assists SSAs with FO and DOJ-CRT requests
- (U) Checks the FBI's central recordkeeping system for leads pertaining to assigned FOs (in the absence of the management program assistant) and forwards leads to the SSA for appropriate action
- (U) Reviews all incoming DOJ communications and forwards these to the SSA for appropriate action
- (U) Conducts research projects, prepares reports, and performs any other work that may be requested by the SSA or UC
- (U) Conducts quarterly verification of CR task forces and working groups
- (U) Maintains any assigned subprogram databases
- (U) Maintains and updates subprogram materials for dissemination to the field
- (U) Regularly updates talking points for an assigned subprogram
- (U) Participates in regional meetings, conferences, and other significant meetings and training events related to the assigned region and subprogram
- (U) Handles all logistics and coordination for meetings, conferences, and training events for the assigned region and subprogram
- (U) Executes additional administrative projects and duties assigned by the UC or SSA

2.4.2.2. (U) Management Program Assistant

- (U) Monitors the FBI's central recordkeeping system daily for leads pertaining to the assigned region and forwards leads to the SSA/analyst for appropriate action
- (U) Reviews all incoming DOJ-CRT communications and forwards them to the SSA/analyst for appropriate action
- (U) Assists the SSA with requests from assigned FOs and DOJ-CRT
- (U) Serializes and disseminates all outgoing communications
- (U) Updates FO program coordinator and program manager lists
- (U) Copies, distributes, and mails program information that is pertinent to the assigned regions
- (U) Organizes and maintains the CRU's file cabinets and records
- (U) Assists MAPAs with short deadlines or other projects, as needed
- (U) Acts as a backup for the MAPA
- (U) Handles any additional administrative projects and duties assigned by the UC or SSA

2.4.3. (U) Public Corruption/Civil Rights Intelligence Unit (PC/CRIU)

- (U) Develops a national CRP domain analysis
- (U) Provides tactical and strategic analytical support to pending CR investigations
- (U) Identifies regional trends associated with each CR subprogram
- (U) Publishes regional and nationwide intelligence work products on CR matters

2.4.4. (U) Office for Victim Assistance

- (U) Coordinates Continued Presence requests for victims of HT
- (U) Assists with emergency services associated with victims of HT, including referrals to interpreters; legal, medical, and mental health services; and emergency food, clothing, and shelter resources

3. (U) Policies

3.1. (U) Considerations for Opening CR Investigations

(U//~~FOUO~~) FOs must critically and thoroughly evaluate each complaint, referral, or allegation of CR violations occurring within their territories. If an FO concludes that a specific complaint warrants consideration, an Assessment, a Preliminary Investigation (PI), or a Full Investigation must be opened in accordance with the guidance contained in the DIOG. The FO must notify a victim specialist (VS) when a victim is identified.

(U//~~FOUO~~) If the complaint is a referral from the DOJ-CRT that does not warrant an investigation (following a thorough and careful review by the FO), the FO must document the justification for that conclusion in a letterhead memorandum (LHM) and forward it as soon as possible, but no later than five business days from the date of the referral, to DOJ-CRT. Recognizing that FOs must regularly correspond with DOJ-CRT in writing, the LHM is the proper document to use for these communications. Copies of any documentation that supports the FO's decision not to open an Assessment or a predicated investigation must be forwarded to DOJ-CRT with the LHM, and must also be maintained in the FO's appropriate CR zero file. The CRU may be contacted by either FOs or DOJ-CRT to resolve any disputes regarding the disposition of referrals from DOJ-CRT.

(U//~~FOUO~~) FOs are reminded that there will be instances when the CRU will exercise its program oversight responsibilities and direct that a particular investigation be opened. This is necessary when both the CRU and DOJ-CRT strongly believe that the FO has decided not to investigate a complaint that is clearly a CR violation and/or has a significant community impact.

(U//~~FOUO~~) Because of the sensitive nature of CR investigations and the impact they have on communities, CR investigations are not authorized to be in an “unaddressed status” or in a “pending inactive status” unless the following situations apply:

1. (U//~~FOUO~~) The investigation is under appeal.
2. (U//~~FOUO~~) The investigation has evidence pending final disposition.
3. (U//~~FOUO~~) A subject is in a fugitive status.

All CR matters must be promptly addressed and resolved.

3.2. (U) Civil Rights Investigations

(U//~~FOUO~~) The FD-1057 (“Electronic Communication” [EC]) must be used to open a new civil rights PI or Full Investigation. If the FD-71 “Complaint Form” has been used to open an Assessment, an EC must be completed if the Assessment is converted to a PI or Full Investigation. The data provided in the EC is utilized by CRU and PC/CRIU to compile specific data relating to pending CR investigations. CRU and PC/CRIU review and analyze this data to identify and monitor trends and developments in FOs. The EC is disseminated to the DOJ-CRT in full, and it is used by trial attorneys to initially evaluate the merits of all civil rights investigations.

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~~(U//FOUO)~~ Once the EC has received SSA approval, it must be serialized, with an action lead set for the CRU and an information lead for the PC/CRIU. The lead to the CRU is to “Review and Forward to DOJ-CRT.” The lead to the PC/CRIU is to “Read and Clear.” The FO is not required to submit a hard copy of the EC to the CRU. If the FD-71 is utilized to open the predicated investigation, an informational EC must be drafted, serialized, and sent electronically to CRU. The EC must also include an action lead for review and dissemination to DOJ-CRT and a read and clear lead for CRIU.

~~(U//FOUO)~~ If the PI or Full Investigation is a SIM, as defined in the, ~~DIOG~~ CRU must be notified via e-mail by the FO. SIM designation must also be noted in the "Title" section of the EC. Color of law investigations are not automatically considered SIMs simply because a police officer or correctional officer is the subject. SIM designation only applies if the officer's position qualifies the investigation as a SIM, and the officer's conduct includes corrupt activities. Corruption involves accepting a kickback, paying or accepting bribes, or receiving other things of value in exchange for official action or inaction. Normally, if the investigation has these elements, it will likely be a public corruption investigation (194 investigative classification), not a civil rights investigation (282 investigative classification). However, if the FO does open a civil rights investigation on an officer, the investigation must be designated as a SIM if the subject officer's position and corrupt activities qualify the investigation as a SIM or, if in the judgment of the FBI official opening the investigation, the significance of the matter calls for a SIM designation. (See the “Sensitive Investigative Matters/Academic Nexus” section of the ~~DIOG~~.)

~~(U//FOUO)~~ When the CRU receives the EC, the CRU SSA who oversees that FO reviews the document and forwards a copy to DOJ-CRT. This process expedites the dialogue between DOJ-CRT and the FO. Upon receipt of the EC, and after a trial attorney or investigator is assigned to the investigation, DOJ-CRT will contact the case agent to advise of the identity of the assigned trial attorney or investigator. The case agent and the DOJ-CRT attorney work as a team throughout the course of the investigation.

3.2.1. (U) Assessments

~~(U//FOUO)~~ Assessments may be opened upon receipt of a DOJ-CRT referral. The FO SSA has the authority and discretion to handle a referral as any other CR complaint. If the SSA declines to open an investigation, the field office must respond (by LHM) to DOJ-CRT, advising of the field office's decision. If an investigation is predicated from a DOJ-CRT referral, an opening EC will be disseminated to DOJ-CRT for review.

~~(U//FOUO)~~ If a Type 1 & 2 Assessment is opened, and the field supervisor determines that there is enough information to open a CR investigation, the Assessment must remain open until the predicated investigation is opened as an investigation in the FBI's central recordkeeping system.

~~(U//FOUO)~~ If a Type 3 Assessment is opened and it is subsequently determined that the information collected is sufficient to open a predicated CR investigation, the Assessment may remain open, at the discretion of the field supervisor, so long as necessary to achieve the Assessment's purpose and objective(s). A new spinoff investigation must be opened using an EC that identifies it as a spinoff of the Type 3 Assessment.

3.2.2. (U) Preliminary Investigation

~~(U//FOUO)~~ Upon receiving SSA approval, all CR PIs must be opened using ECs or FD-71s. Each opening EC must be drafted, serialized, and sent electronically to CRU. The EC must also include an action lead for CRU for review and for dissemination to DOJ-CRT and a read and clear for PC/CRIU. If an FD-71 is utilized to open the investigation, an informational EC must be drafted, serialized, and sent electronically to CRU. The EC must also include an action lead for CRU for review and for dissemination to DOJ-CRT and a "read and clear" for PC/CRIU.

~~(U//FOUO)~~ In accordance with the AGG-Dom and the DIOG, all PIs must be concluded within six months of the date of opening. One extension, for up to six months, may be granted with SAC approval. Further extensions require FBIHQ Public Corruptions/Civil Rights Section SC approval. (See the "Preliminary Investigations" section of the DIOG.)

~~(U//FOUO)~~ During the course of a CR PI, and prior to the initial six-month deadline, the case agent should information gathered during the investigation to the USAO and the DOJ-CRT, as necessary and appropriate, to keep them apprised of the status of the investigation. The case agent should draft and forward a detailed LHM with supporting documentation (e.g., FD-302s, police reports, and medical reports) to the USAO and to the DOJ-CRT. The LHM to DOJ-CRT and the USAO must: (1) state that the investigation has been opened as a Full Investigation; (2) identify the facts predicated the investigation; (3) give a summary of the investigation to date; and (4) provide the envisioned investigative steps. The FO must attach all available investigative documents (e.g., FD-302s, police reports, and medical reports) to the LHM. The USAO and/or DOJ-CRT may initiate contact with the SSA or case agent to obtain the documentation at an earlier point in the investigation. The SSA should determine if the request and release are justified. In order to allow ample time for a prosecutorial review, SAs are encouraged to forward an LHM with supporting documentation to the USAO and DOJ-CRT as soon as the information has been compiled. Because DOJ-CRT would have opened a companion investigation upon receipt of the opening EC, the FO must forward its investigative file to DOJ-CRT to enable the assigned deputy chief to make an informed prosecutorial decision on the advisability of initiating a federal prosecution. The case agent must also update the VS, as necessary and appropriate, as victims are identified.

~~(U//FOUO)~~ If the SSA has determined that the Full Investigation should be closed, the case agent must indicate this decision on the LHM. If the USAO or DOJ-CRT is of the opinion that the Full Investigation must not be closed, they may submit their reconsideration request in writing to the SSA. While the SSA has the authority to close or reopen a Full Investigation, the CRU may be contacted by either the FO or DOJ-CRT to resolve any disputes regarding the continuation of CR Full Investigations. (See the DIOG.)

~~(U//FOUO)~~ When a Full Investigation has been completed, the FO must submit a final LHM to DOJ-CRT and the USAO. The LHM must summarize the investigation, have the remaining investigative documents attached to it, and advise the recipients that the FO has closed the investigation. The FO may close the investigation if that decision is warranted and supportable, absent a decision by the USAO or DOJ-CRT to decline prosecution. A final LHM and supporting documentation should not only advise the

USAO and DOJ-CRT that the FO has concluded its investigation, but it must also provide them with ample information on which to base their prosecutorial decision. CRU recommends that the FO request and obtain a prosecutorial opinion prior to closing the Full Investigation.

3.2.3. (U) Submission of Reports

~~(U//FOUO)~~ One copy of the LHM and all supporting documents must be sent directly to DOJ-CRT, and one copy must be sent to the USAO within the judicial district where the investigation was opened. It is not necessary to provide any documents to the CRU. The address for DOJ-CRT is listed below:

(U) Department of Justice, Civil Rights Division, Criminal Section
(U) 601 D Street, NW, Room 5339
(U) Washington, DC 20004
(U) (202) 514-3204

(U) For DOJ-CRT deputy regional assignments, click [here](#).

3.2.4. (U) Field Coordination with CRU

~~(U//FOUO)~~ FOs are required to notify and update CRU on significant events that occur within their respective AORs. Furthermore, FOs are required to notify CRU of any law enforcement or judicial action (e.g., execution of a search warrant, indictment/information, arrest, conviction, or sentencing) at least several days prior to its occurrence. This communication may take place in the form of electronic mail (e-mail) and telephone contacts. FOs are requested to notify the CRU prior to, or shortly after, the submission of any executive summary reports (ESR). (See the [Civil Rights Unit Organization Chart](#) for points of contacts in CRU.)

3.2.5. (U) Field Coordination with DOJ-CRT

~~(U//FOUO)~~ DOJ-CRT trial attorneys and FO case agents must be in regular contact with each other in order to expedite the completion and resolution of all CR investigations. FO SSAs and SAs are encouraged to call DOJ-CRT frequently to discuss the status of any pending investigation and to obtain guidance regarding any prosecution strategies.

~~(U//FOUO)~~ Once an investigation has been completed, and after DOJ-CRT has reviewed the LHMs and supporting documentation received for each investigation, DOJ-CRT will determine whether or not the matter warrants prosecution. If prosecution is declined, DOJ-CRT will send the closing communication directly to the FO and will also notify the victim(s) that DOJ-CRT has declined to pursue a federal prosecution. The FO may close the investigation without the official declination notification from DOJ-CRT.

~~(U//FOUO)~~ To better facilitate case management, CRU has asked that DOJ-CRT trial attorneys and paralegals/investigators call FO SSAs directly when additional investigation is needed or when the DOJ-CRT has not received the results of a required investigation. These inquiries ensure that the DOJ Criminal Section's case management system contains current information on the status of its cases.

~~(U//FOUO)~~ The CRU expects CR investigators to work in conjunction and in cooperation with DOJ-CRT, trial attorneys, paralegals/investigators. DOJ-CRT inquiries to FOs are

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intended to foster a more efficient and expeditious management of the CRP investigative and prosecutorial caseload.

(U//~~FOUO~~) The DOJ Criminal Section is divided into four geographical teams. Each team is managed by a deputy section chief with an assigned paralegal/investigator, and is responsible for certain states (in alphabetical order). Trial attorneys are assigned to specific teams. For a current listing of DOJ-CRT attorney assignments, please refer to the CRU Intranet site.

(U//~~FOUO~~) The main telephone number for the DOJ Criminal Section, (202) 514-3204, will be used to contact all line attorneys and paralegals/investigators during business hours (Monday through Friday, 8 a.m. to 5 p.m., eastern standard time). After business hours, messages can be left on a deputy section chief's voice mail (DOJ points of contact).

4. (U) Practices and Procedures

4.1. (U) Hate Crime Investigation

(U) A hate crime is “a criminal offense against a person or property motivated in whole or in part by the individual's bias against a race, religion, disability, ethnic/national origin or sexual orientation.” HCs are not separate, distinct offenses, but rather, traditional crimes such as murder, forcible rape, aggravated assault, simple assault, intimidation and harassment, actionable threats, arson, and other offenses that are motivated by an individual's biases. The FBI has jurisdiction to investigate those crimes where the motive appears to be based on a bias against race, religion, ethnic/national origin, sexual orientation, gender, gender identity, and disability.

4.1.1. (U) Hate Crimes Civil Rights Statutes

(U) There is no single, federal hate crime statute. Rather, there are a number of criminal civil rights statutes that address hate crimes. The most widely applied statutes are:

1. (U) Title 18 United States Code (U.S.C.) Section (§) 245 (interference with federally protected activities)
2. (U) 18 U.S.C. § 241 (conspiracy to interfere with federal rights)
3. (U) 18 U.S.C. § 247 (damage to religious property and obstruction of the free exercise of religious rights)
4. (U) 18 U.S.C. § 249 (the Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009)
5. (U) 42 U.S.C. § 3631 (interference with housing rights)

(U) See [Appendix D](#) of this PG for detailed information on each statute, or refer to the Federal Criminal Code and Rules.

4.1.2. (U) Federally Protected Activity, 18 U.S.C. § 245

4.1.2.1. (U) Animus Toward Federally Protected Right or Activity

(U) Conduct motivated by animus toward an individual or group of persons is usually the easiest element to recognize. It may appear, simply from surrounding circumstances, that the victim was targeted by the subject because of race, religion, or another protected class or activity.

- (U) Example: Skinheads begin an argument that ends in violence with the only interracial couple in a restaurant. Another element is the use of racial, ethnic, or other bias epithets, either in talking about the victim, before or after the incident, or to the victim during the incident.
- (U) Example: As a subject beats a victim, he shouts, “Take that, rag head.”
- (U) Example: Communications elements such as graffiti or threatening e-mails containing language easily recognized as racially or religiously derogatory, such as a synagogue spray painted with swastikas and the words “8 million more.”

4.1.2.2. (U) Motive Targeting Federally Protected Right or Activity

(U) There must also be a demonstrated motive targeting the victim's federally protected right or activity. Title 18 U.S.C. § 245 protects individuals who are engaging in certain federal activities that are explicitly identified in the statute itself. Section 245 (a)(2)(b)(2) protects: (A) enrolling in or attending any public school or public college; (B) using any benefit, service, program, facility, or activity provided or administered by a state or a state subdivision; (C) applying for or enjoying employment; (D) serving as a juror; (E) traveling in or using a facility of interstate commerce, or (F) using the goods and services of a public accommodation (e.g., hotel, restaurant, gas station, theater, or arena).

(U) Section 245 (a)(2)(b)(1) also protects certain federal rights without regard to the existence of racial or other prohibitive animus: (A) voting; (B) using facilities or programs administered by the United States; (C) employment by any agency of the United States; (D) serving as a federal juror; or (E) using the benefits of any program receiving federal financial assistance. The violence associated with this section usually involves assaults, arsons, gunshots, or vandalism perpetrated against some person engaged in one of these activities or perpetrated on the victim's property. Some examples of § 245 violations may have occurred while the victim was:

- (U//~~FOUO~~) Patronizing a bar, a restaurant, a convenience store, or a gas station.
- (U//~~FOUO~~) Jogging in a public park, camping in a state forest, participating in a public parade, or using a public street.
- (U//~~FOUO~~) Attending a public school or a private college that receives federal or state money, or participating in a program at a state university.
- (U//~~FOUO~~) Delivering the U.S. mail, acting as a government confidential human source (CHS), working for a private business, or working for a public advocacy group.
- (U//~~FOUO~~) Traveling on an interstate highway or waiting at a bus stop.

(U) Section 245 may also be used to protect persons who are affording other individuals the opportunity to participate in the activities protected under 18 U.S.C. § 245(b)(4)(B). For example, defendants who burn a cross in front of an auto body shop to “send a message” to minority employees to leave town have interfered with the employees' employment rights and the white shop owner's right to employ persons without regard to race. The firebombing of a National Association for the Advancement of Colored People (NAACP) office interferes with that organization's right to advocate for minority participation in the rights provided in § 245.

4.1.3. (U) Conspiracy Against Rights, 18 U.S.C. § 241

(U) Title 18 U.S.C. § 241 requires the existence of a criminal agreement by two or more persons. The language of § 241 is extremely broad. In order to establish a violation of § 241, the investigator must determine what underlying right is involved, and determine whether that right is protected against private, as opposed to state, interference, for example, the Fifth Amendment right not to be deprived of life, liberty, or property without due process of law. If two or more persons conspired to falsely accuse a person

or persons of a crime based on race (such as a false report that a racial minority committed the offense[s]) and were subsequently incarcerated or convicted, that would violate § 241. As another example, in cases where a defendant has acted to interfere with a victim's housing rights, the underlying right for conspiracy purposes is found in the civil statute of 42 U.S.C. § 1982, a federal civil statute that provides for the enjoyment of property, regardless of race. In cases where the defendant has acted to interfere with a victim's right to enjoy public accommodations, the underlying rights for conspiracy purposes is found in the civil statute of 42 U.S.C. § 2000(a). It should be noted, however, that a criminal statute, such as § 2631 or § 245, cannot establish the source of the right in a § 241 conspiracy. Examples of § 241 conspiracies include:

- (~~U//FOUO~~) A Latino street gang conspiracy to assault and murder African-Americans to interfere with their right to live in and visit a predominately Latino neighborhood.
- (~~U//FOUO~~) Skinhead conspiracies to: (1) assault minorities in a park to interfere with their right to use a public accommodation or (2) vandalize Jewish community centers to interfere with members' right to enjoy property.
- (~~U//FOUO~~) Individuals in a white supremacist organization conspire to commit church arson to interfere with African-American parishioners' right to enjoy property, regardless of race.
- (~~U//FOUO~~) Conspiracies to interfere with the right to interstate travel, to a desegregated education, to be a federal witness, and to a fair and impartial trial.

4.1.4. (U) House of Worship and Exercise of Religious Beliefs Hate Crimes, 18 U.S.C. § Section 247

(U) Title 18 U.S.C. § 247 has a slightly different statutory scheme than the general federal criminal civil rights statutes. It prohibits damage to houses of worship and obstruction of any person's free exercise of religious beliefs. It requires that the offense is in or affects interstate commerce, unless the motive for the damage to the religious property is the race, color, or ethnic characteristics of an individual associated with the religious property. The reason for this distinction is that Congress has broad power to criminalize conduct that is based upon race under the Fourteenth Amendment to the Constitution.

4.1.4.1. (U) Damage to a House of Worship

(U) Investigation under this provision of § 247 is warranted when there is damage, destruction, or defacement to religious real property (e.g., a church, synagogue, mosque, religious cemetery, or other religious property, including fixtures or religious objects within a place of religious worship) because of the religious character of that property. It is important to determine as soon as possible whether the property was targeted because of the race, color, or ethnic characteristics of an individual associated with the property. If the damage is not racially or ethnically motivated, the interstate commerce nexus must be an element of the offense.

4.1.4.2. (U) Obstruction of Free Exercise of Religion

As with traditional hate crimes, the conduct under this provision of § 247 requires force or a threat of force to warrant an investigation. An interstate commerce nexus is required in all obstruction of free exercise of religious belief investigations.

4.1.4.3. (U) In or Affecting Interstate or Foreign Commerce

(U) Unless there is a racial or ethnic motivation for the damage to a house of worship, investigation to establish the interstate or foreign commerce nexus is required under § 247. Therefore, the arson of a predominately African-American church does not require an interstate commerce nexus. At the same time, graffiti targeting “Arabs” on a mosque does not require the interstate commerce nexus, but if the graffiti targets “Muslims,” it does. If a subject uses force or a threat of force to obstruct a person's free exercise of religious beliefs, that conduct must be in or must affect interstate commerce. The offense would be in or would affect interstate or foreign commerce in accordance with the following examples:

- The subject acted “in” interstate commerce if he or she crossed a state line to burn the church or sent an e-mail to threaten the mosque.
- When the damage to the church was: (1) repaired by a business with materials from out-of-state; (2) the threat to the mosque prevented out-of-state parishioners from attending services; or (3) the church hired out-of-state security, and that action affected interstate commerce.
- (U) An Imam received a threatening e-mail.
- (U) A church's religious objects were destroyed, but the collection plate was left full of money.
- (U) Worshipers were shot outside a mosque by a man shouting, “Death to Arabs!”
- (U) “Judaism is Evil” graffiti on a synagogue caused the closing of the synagogue's on-site, fee-supported day care center for a week.

4.1.5. (U) The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249

(U) This legislation, enacted in October 2009, is the first significant expansion of federal criminal civil rights laws in over a decade since the passage of the church arson statute (18 U.S.C. § 247) in the mid-1990s. For the first time in the history of this Nation, the federal government will have authority to prosecute violent hate crimes, including violence directed at the lesbian, gay, bisexual, and transgender (LGBT) communities, to the fullest extent of its jurisdiction. The Matthew Shepard and James Byrd, Jr., Hate Crimes Prevention Act of 2009 creates a new federal, criminal civil rights law that criminalizes willfully causing bodily injury (or attempting to do so with fire, a firearm, or another dangerous weapon) when:

- (U) The crime was committed because of the actual or perceived race, color, religion, or national origin of any person.

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- (U) The crime was committed because of the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person.
- (U) The crime affected interstate or foreign commerce or occurred within federal special maritime and territorial jurisdiction.

(U) The statute requires that all prosecutions be undertaken pursuant to guidelines issued by the Attorney General, or a designee, which establish neutral and objective criteria for determining whether a crime was committed because of the actual or perceived status of any person. The guidelines have now been issued and appear in the *United States Attorney's Manual* (USAM), Section 8-3.300. The statute criminalizes only violent acts resulting in bodily injury or attempts to inflict bodily injury through the use of fire, firearms, explosive and incendiary devices, or other dangerous weapons. The statute does not criminalize threats of violence. Threats to inflict physical injury may be prosecutable under other hate crime statutes, such as 42 U.S.C. § 3631 or 18 U.S.C. § 245. The new law also provides funding and technical assistance to state, local, and tribal jurisdictions to help them more effectively investigate, prosecute, and prevent hate crimes.

4.1.6. (U) Housing Rights, 42 U.S.C. § 3631

(U) Title 42 U.S.C. § 3631 prohibits housing-related violence on the basis of race, color, religion, national origin, sex, handicap, and familial status. No other federal criminal hate crime statute protects sex (gender), handicap, or familial status. The violence usually prosecuted under this section includes cross-burnings, fire-bombings, arsons, gunshots, rock-throwing, or vandalism directed at someone's home or toward some person or property associated with it. Victims are usually targeted because they are occupying or are about to occupy a dwelling. The statute reaches all persons involved at any stage of the housing transaction, such as sellers, buyers, landlords, tenants, and real estate agents. Significantly, it also protects the right to associate in one's home with those of another race or minority group. Some examples of § 3631 violations include:

- (U//~~FOUO~~) Burning a cross on lawn of an interracial family.
- (U//~~FOUO~~) Threatening a real estate agent who is assisting an African-American family's move into a certain neighborhood.
- (U//~~FOUO~~) Detonating an explosive device in a vehicle parked in front of a Palestinian family's home.
- (U//~~FOUO~~) Littering a Mexican-American family's yard with numerous copies of a threatening flyer.
- (U//~~FOUO~~) Leaving a threatening voice mail on a Pakistani's home telephone.
- (U//~~FOUO~~) Hanging a noose on a tree in an African-American family's front yard.
- (U//~~FOUO~~) Assaulting a group of Hispanic individuals because the offenders do not want the Hispanics patronizing "their" restaurant.
- (U//~~FOUO~~) Sending threatening letters to an adoption agency placing handicapped children in homes.

4.1.7. (U) Force or Threat of Force

(U) While the actual use of force should be obvious from the investigation's facts, determining whether there was, or still is, a threat of force could be more difficult. Often the threat of force takes the form of something the subject says or writes. However, certain conduct that is a substitute for speech can also be a threat of force. For example, a throat-slashing gesture, a burning cross, or a hangman's noose also can be threats of force.

4.1.8. (U) "True Threats" Doctrine

(U) A subject does not violate federal law by merely espousing hate speech, as freedom of speech is protected by the First Amendment. The words must constitute what is called a true threat. For example, if white supremacists gather for a rally and make derogatory comments about certain minority groups and their rights, such comments are considered political speech that is protected by the First Amendment. Even if the white supremacists burn a cross at their rally, provided it was not intentionally done in such a way as to intimidate specific minority persons, the conduct is protected. Conversely, burning the cross at a rally on the property next door to, and visible to, a new African-American neighbor or videotaping the cross-burning and mailing it to the African-Americans in the neighborhood as a "warning" would constitute true threats.

(U) In 2003, the United States Supreme Court in *Virginia v. Black* defined true threats as speech or conduct "where the speaker intends to communicate a serious expression of intent to commit an act of unlawful violence to a particular individual or group of individuals." *Virginia v. Black* recognized that "the speaker need not actually intend to carry out the threat [because the intent of the law is also to protect] individuals from the fear of violence and from the disruption that fear engenders, in addition to protecting people from the possibility that the threatened violence will occur." While evidence of the speaker's intent is relevant in determining whether a statement is a true threat, it is not the only factor considered. Even when the subject says, "I did not mean to threaten anyone," courts have found evidence of a threat in factors such as: (1) the context of the statement, (2) direct delivery to the recipient, (3) the reaction of a reasonable recipient, (4) the relationship between the speaker and the recipient, and (5) the absence of a conditional nature of the threat.

4.2. (U) Hate Crime Reporting

(U) In response to the Hate Crimes Statistics Act of 1990 (HCSA), the Attorney General designated the FBI's Uniform Crime Report (UCR) Program to develop a data collection system for its nearly 17,000 voluntary law enforcement agency participants. The HCSA was amended by the Violent Crime and Law Enforcement Act of 1994 to include crimes motivated by a bias against persons with disabilities. Although the HCSA of 1990 mandated collection for only five years, the Church Arson Prevention Act of 1996 amended HCSA by permanently extending the data collection mandate. The data collection effort is designed to capture information about the type of bias serving as the motivating factor, the nature of the offense, and the characteristics of the victims and individuals involved. The Criminal Justice Information Services (CJIS) Division is responsible for the collection of this data.

(U//~~FOUO~~) FO personnel responsible for CR investigations must review the UCR data pertinent to their territories on an annual basis to determine which racial, ethnic, or religious groups are targeted the most for HCs in their respective domains. Such reviews will ensure that FOs adequately address credible threats targeting a victim class.

4.3. (U) Groups that Monitor Hate Crimes

(U//~~FOUO~~) Establishing and cultivating professional relationships with liaison partners such as the [redacted] and [redacted] other national and community special interest and NGOs represents an integral part of an FO's successful CRP. Effective liaison relationships are an essential vehicle by which FOs can communicate the FBI's role in CR investigations to organizations representing the segments of society that are most likely affected. SSAs and SAs must maintain regular contact with organizations that monitor HC matters. Successful liaison partnerships will also provide resources through which SSAs and SAs can obtain information to better understand the HC problems within their domains and more accurately assess threats. All substantive contacts with FO liaison partners must be appropriately documented using an [redacted] form.

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4.4. (U) Investigation of Racially- or Religiously-Motivated Church Arson

(U) The following points must be considered during HC investigations involving religious property and facilities:

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

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- ~~(U//FOUO)~~ What does the subject know about the church?

4.5. (U) Housing Discrimination

(U) The Fair Housing Act of 1968 prohibits housing-related violence on the basis of a person's race, color, religion, sex, handicap, familial status, and national origin. Types of violence that are usually prosecuted under housing discrimination include cross-burnings, fire bombings, arsons, gunshots, rock-throwing, or vandalism. The protection of the act reaches all persons involved at any stage of the housing transaction, such as sellers, buyers, landlords, tenants, and real estate agents.

4.6. (U) Domestic Terrorism (DT)

(U) The FBI defines terrorism as an “unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any element thereof, in furtherance of political or social objectives.” The mission of the Domestic Terrorism Program (DTP) is to detect, deter, prevent, and respond to domestic terrorist organizations (DTO) or individuals who threaten or conduct domestic terrorist activities within the United States. (See the *Counterterrorism Policy Implementation Guide*.)

(U) While HC investigations focus on crimes against a person or property and are motivated, in whole or in part, by the individual's prejudice against a race, religion, ethnicity, or national origin, DT investigations focus on crimes that are committed for political or social reasons by organized extremist groups. An example of a political agenda is an anarchist group carrying out activities to overthrow the government. Incidents related to a social agenda include criminal activities carried out by extremist groups in the animal rights or environmental movements.

~~(U//FOUO)~~ In an effort to bring consistency to classifying investigations that may be addressed under the CR and DT programs in which the subject has a nexus to any type of white supremacy extremist group, the investigation must have a dual caption under the 44 or 177 (both involve hate crimes) and 266 investigative classifications. The EC that is used to open the investigation must be sent to the attention of both the CRU and the Domestic Terrorism Operations Unit (DTOU). When an HC occurs and the subject is not known, or if the subject has no nexus to any type of white supremacy extremist group, the investigation should be opened under either a 44 or 177 investigative classification, and the EC should be sent only to the CRU. If it becomes apparent during the course of the investigation that the subject has a nexus to a white supremacy extremist group, or the crime escalates into a DT matter, an EC with that information must be submitted to the CRU and the DTOU. The EC must be dual-captioned under the 44, 177, and 266 investigative classifications.

4.7. (U) Hate Crime versus Hate Incident

(U) As previously defined, an HC is a traditional crime that is motivated by a bias against an individual's protected characteristics. A hate incident is defined as a hateful act, by conduct or words, in which there is no violation of the law, but rather constitutes an act of free speech protected under the First Amendment.

(U) A variety of different hate incident allegations that suggest a racial, religious, or ethnic motivation for a particular incident or altercation are made regularly to FBI FOs.

Not all such allegations are criminal in nature; of those that are criminal, not all are violations of federal, criminal law.

4.8. (U) Use of U Visas

(U) Undocumented victims of certain crimes, including hate crimes, may be eligible to receive a U visa (named for Section “U” of the Immigration and Nationality Act [INA] at § 101(a)(15)(U) or 8 U.S.C. § 1101(A)(15)(U)) if they meet the requirements listed below. This visa requires law enforcement endorsement.

4.8.1. (U) Benefits of a U Visa

- (U) The U visa demonstrates four years of “documented” status.
- (U) The U visa serves as an employment authorization document (the applicant can work lawfully in the United States).
- (U) The applicant's status can be adjusted to “lawful permanent resident” after three years, if criteria are met.
- (U) The U visa enables other family members (parents of a minor, children of an adult, spouses, and some other categories) to obtain visas. (The U visa applicant may file a petition on behalf of the family member.)

4.8.2. (U) Requirements for Obtaining a U Visa

- (U) The applicant is a victim of a specified crime (any assault actionable under the 249 investigative classification) that occurred in the United States.
- (U) The victim is cooperating with law enforcement to investigate and prosecute the crime (i.e., the applicant is described as being helpful, will be helpful, or is likely to be helpful in investigating the crime, regardless of whether the evidence results in prosecution or conviction.)
- (U) The victim suffered substantial mental or physical abuse, as determined by the United States Citizenship and Immigration Services (USCIS).
- (U) The victim is not excludable because of criminal activity (waivers can be obtained).

4.8.3. (U) Process to Obtain a U Visa

- (U) The victim petitions to obtain a U visa by completing an I-918 (“Petition for U Nonimmigrant Status”) form, available at www.USCIS.gov.
- (U) Federal, state, or local law enforcement completes an I-918 Supplement B (“U Nonimmigrant Status Certification”) form (endorsement), certifying the applicant is the victim of a crime and is cooperating with law enforcement.
- (U) The U visa is adjudicated and issued by USCIS. With a bona fide claim, the applicant will receive temporary status and an employment authorization document pending the final adjudication, which can take several months to complete.

4.9. (U) Bias Indicators

(U) Bias indicators are defined as objective facts, circumstances, or patterns attending a criminal act or acts, which, standing alone or in conjunction with other facts or circumstances, suggest that the individual's actions were motivated, in whole or in part, by a form of bias. The following are examples of bias indicators that may suggest a crime was motivated by bias or hate:

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

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

~~(U//FOUO)~~ The presence of one or more bias indicators suggests a hate crime may have occurred, but does not positively identify a crime or incident as being motivated by bias or hate. A small percentage of crimes motivated by bias or hate may not exhibit any of the above-listed bias crime indicators. Conversely, some crimes that exhibit bias indicators may not be motivated by bias or hate. Therefore, each investigation must be examined for evidence that clearly indicates the motivation for the crime was bias-related. Also, it is not essential to determine whether the victim is actually a member of a targeted group when identifying bias indicators.

4.10. (U) Voting Rights Matters

(U) Agents are not to be assigned to “police” elections or act as observers at the polls. If a request is received for this type of activity, the appropriate local and/or state officials, the United States Attorney's Office (USAO), and FBIHQ must be immediately advised of the receipt of the request. This notification must be directed to CRU, which in turn will coordinate with the Public Corruption Unit (PCU), DOJ-CRT, and the DOJ-Public Integrity Section (PIN). The board of election commissioners, appropriate local law enforcement officials, the USAO, and FBIHQ (PCU and CRU) are to be informed of any report received in regard to anticipated disturbances at the polls.

(U) There may be circumstances, however, where it may be necessary for the FBI to investigate a credible allegation of a violation of federal law in the vicinity of the open polls (e.g., the report of a bomb discovered at a polling site). Such requests, however, must immediately be brought to the attention of CRU, FBIHQ and must be approved only on the instructions of the DOJ. Once the request is approved, and in order to avoid the potential for misunderstanding the purpose of the FBI's inquiry, every effort must be made to limit the investigation to only what is absolutely necessary to meet the objective(s) identified by DOJ. Agents must not enter the polls or conduct any investigation inside any facility in which the polls are located. (See the DIOG.)

(U) Investigations conducted under 42 U.S.C. § 1973i (Voting Rights Act of 1965) are generally civil in nature. Therefore, unless the DOJ advises that the investigation under Title 42 is criminal in nature, the FBI is required under the Privacy Act of 1974 to furnish each individual interviewed with a statement that describes certain provisions of the Privacy Act. The FD-302 used to report the results of these interviews must clearly state that the interviewee was advised as to the protections contained within the Privacy Act. All other interviewees (third party persons), when feasible, must be apprised of the purpose for which the information is sought and how it will be used.

4.11. (U) Color of Law Investigations

~~(U//FOUO)~~ COL applies to any individual acting under his or her authority granted by the federal, state, or local government. Such acts are done outside the boundaries of lawful authority. In addition to law enforcement officials, persons who are bound by laws, statutes, ordinances, or customs include mayors, councilpersons, judges, nursing home proprietors working in a facility administered by a local, state, or federal government, and security guards. When a security guard is involved in a COL allegation,

the USAO and/or DOJ provide an opinion on whether or not the security guard was acting “under color of law,” and can therefore be prosecuted. It should be noted that many police officers work part-time as security guards.

~~(U//FOUO)~~ A person acts under COL when he or she invokes authority vested in him or her by a governmental entity, such as a state or federal law enforcement agency. A police officer acting while on official duty acts under COL. A police officer who is off-duty, but is invoking his or her authority, is also acting under COL. However, a police officer who is off-duty and does not assert his or her authority may not be subject to COL statutes.

~~(U//FOUO)~~ In the course of all color of law PIs, the FO must: (1) advise the relevant local law enforcement agency that a CR PI or Full Investigation has been opened, and (2) request copies of the agency's investigative file. The FO may choose to delay this notification if the delay is warranted for investigative purposes. The local law enforcement file should include police reports, subject/victim/witness statements, and crime scene reports and photographs. The FO must also request internal affairs reports if they have been generated. If the FO discovers that these reports contain or may contain potential Garrity statements, the FO must send the reports in a sealed and marked envelope to DOJ-CRT with an LHM requesting that the documents be appropriately redacted and returned to the FO. (See Section 4.11.2 for further details regarding Garrity issues.) The FO should contact and interview the victim with the coordination of the VS, but only if doing so would not interfere with the local investigation and prosecution. The FO must also conduct criminal history and indices checks on subjects and victims. (See the “Preliminary Investigations” and “Retention and Information Sharing” sections of the DIOG.)

~~(U//FOUO)~~ Any allegations of COL violations involving Drug Enforcement Administration (DEA), United States Marshals Service (USMS), or United States Secret Service (USSS) personnel are investigated by DOJ.

4.11.1. (U) Factors to Consider for Opening a COL Investigation

~~(U//FOUO)~~ In most instances, initial reporting of a CR incident contains sufficient information or detail to allow investigators to make an adequate judgment about whether or not there is a basis for opening a predicated investigation. There are occasions in which a COL incident may fall into a “gray area,” requiring an agent to further inquire about the circumstances of the incident before making a decision about opening an investigation. The following guidance is provided in an attempt to assist investigators in their evaluation as to whether or not FBI jurisdiction exists for an investigation.

(U) Investigators must determine:

- ~~(U//FOUO)~~ Whether the complainant is the victim or someone with firsthand knowledge of the incident.
- ~~(U//FOUO)~~ Whether the victim has a documented history of submitting unsubstantiated complaints of excessive force against a particular law enforcement officer or police department.
- ~~(U//FOUO)~~ Whether the complainant repeats past complaints already proven to be groundless.

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- (~~U//FOUO~~) Whether there have been other similar complaints about the subject(s) or a particular law enforcement agency.
- (~~U//FOUO~~) The presence and extent of “serious bodily injury” and the degree to which such injury can be confirmed by observation, photographs, or medical documentation.
- (~~U//FOUO~~) The existence or likely existence of corroborating physical evidence, such as video, audio, or forensic evidence obtained or developed by law enforcement.
- (~~U//FOUO~~) Whether eyewitnesses are specifically identified in the complaint.
- (~~U//FOUO~~) The existence of either willing or unwilling witnesses who may have credible information about the alleged incident, as noted in the complaint or as suggested by the nature of the alleged incident itself.
- (~~U//FOUO~~) The existence of some fact or related circumstance that makes an allegation plausible.
- (~~U//FOUO~~) The existence of suspicious information that contradicts or questions the credibility of, or suggests false exculpatory information or obvious omission in, a law enforcement statement.
- (~~U//FOUO~~) The success of a complainant's civil suit or some other judicial recognition of misconduct.
- (~~U//FOUO~~) Whether the harm resulting from the alleged misconduct is too minor or insignificant to warrant investigation.
- (~~U//FOUO~~) The extent and legitimacy of public concern or interest in the allegation.
- (~~U//FOUO~~) Whether an uncorroborated allegation presents any viable leads to pursue.

(U) (Note: This list is not all-inclusive, and all factors may not be present in each case.)

(U) See the “Investigative Methods” section of the DIOG.

4.11.2. (U) Garrity

(U) The Garrity privilege arose from a 1967 Supreme Court decision, *Garrity vs. New Jersey*. The case involved police officers and other public officials who were accused of corruption in connection with the “fixing” of traffic tickets. During an investigation, these officials were required to give statements because of their status as state employees or face dismissal from their positions. The statements were subsequently introduced as evidence against them during criminal proceedings. Their convictions were upheld by the New Jersey Supreme Court, which ruled the defendants' Fifth Amendment privilege against self-incrimination was not violated. However, the U.S. Supreme Court reversed the convictions, holding that while the state, as an employer, can compel or coerce an employee to cooperate in an investigation in order to take administrative action, a

statement taken under those circumstances cannot later be used in criminal proceedings. The state, as an employer, can fire or suspend, but it cannot criminally prosecute using this information. Accordingly, any Garrity statements or compelled subject statements that are contained within a local investigative report must be removed before the entire investigative report is reviewed by the case agent and the case attorney at DOJ-CRT.

~~(U//FOUO)~~ During the course of a review of a local investigative police report in a COL matter, a case agent will most likely uncover a potential Garrity statement. When an agent discovers such a statement, he or she is instructed to stop reviewing the file and send it to DOJ-CRT with an LHM summarizing the investigation to date. The LHM must explain the origin and existence of the Garrity material, request that DOJ-CRT review the enclosed documents, redact the compelled statements, and return the redacted documents to the FO. DOJ-CRT, and not the FBI, must review the Garrity statements to avoid tainting the case agent with exposure to compelled statements. Designated DOJ personnel will review the statements and identify those sections that may be admissible for use in the investigation. Once the file has been cleansed of all Garrity statements and statements that were tainted by the original Garrity statements, DOJ-CRT will return the file to the agent so that the investigation may continue.

4.11.3. ~~(U//FOUO)~~ Types of Misconduct in a Color of Law Investigation

- (U) Use of excessive force
- (U) Sexual assault¹
- (U) Failure to keep from harm
- (U) Deprivation of medical attention
- (U) Deprivation of property
- (U) Presentation of false evidence
- (U) Planting of evidence
- (U) Conspiracy against rights

4.11.4. (U) Color of Law Statutes

- (U) 18 U.S.C. § 242 - Deprivation of Rights Under Color of Law
- (U) 42 U.S.C. § 1997 - Civil Rights of Institutionalized Persons Act

¹ ~~(U//FOUO)~~ The DOJ-CRT does not generally prosecute matters in which sexual favors are exchanged for protection from arrest, favorable consideration on existing charges, or some other thing of value. While a false or illegal arrest made in an attempt to extort sexual favors from a victim is a more clear violation, it must not be presumed that a consensual or *quid pro quo* situation exists when the initial arrest is legal. Such a determination must be based on whether or not the officer did something using his or her authority to overbear the victim's will to refuse or resist. When the initial arrest is lawful, it is important to note whether the officer solicited sex from the arrestee or the arrestee suggested it. Did the officer solicit the arrestee in a manner which could be interpreted as threatening, such as putting a hand on his or her weapon? Did the officer misrepresent the seriousness of the charges faced or manufacture additional charges? These and other factors can play a role in determining whether or not a color of law violation has occurred.

(U) See Appendix D of this PG for detailed information on each statute, or refer to the Federal Criminal Code and Rules Booklet.

4.11.5. (U) Double Jeopardy

(U) The Fifth Amendment states no person “shall be subject for the same offense to be twice put in jeopardy of life or limb.” A defendant is protected against a second prosecution for an offense following either conviction or acquittal for the same offense, and against multiple punishments for the same offense. Corporations, as well as individuals, are protected by the double jeopardy clause.

(U) When a crime violates both federal and state laws, the subject may be tried in both federal and state courts as a matter of prosecutorial discretion. As an example, if a police officer uses excessive force, he can be tried for assault under state law and for deprivation of civil rights under federal law. The prosecutions are for the same act, but involve two different laws. There is no double jeopardy because of the concept of dual sovereignty. Federal and state governments constitute two separate sovereignties, so double jeopardy does not apply.

(U) The decision to prosecute a case is strongly influenced by how adequate DOJ-CRT perceives the response of the local authorities to investigate and prosecute the misconduct of police officers. Local action can include administrative proceedings by the law enforcement agency as well as state prosecutions.

(U) In some rare circumstances, both administrative action and local prosecution are determined to be inadequate. In many of these investigations DOJ-CRT decides to pursue a federal prosecution. Such dual prosecutions are, however, not approved in the absence of compelling circumstances, and must be authorized by the assistant Attorney General, DOJ-CRT.

4.11.6. (U) Civil Rights of Institutionalized Persons Act (CRIPA)

(U) CRIPA investigations (214 classification) are civil investigations, as opposed to criminal investigations. These matters are pursued through the DOJ-Special Litigation Section (SLS). When warranted, the SLS files a civil action against the targeted facility and gives the facility notice prior to any investigative proceeding. These civil suits address matters relative to the overall conditions or systematic deprivation of the constitutional rights of institutionalized persons. Included in the definition of “institution” are mental hospitals, mental retardation facilities, jails, prisons, certain types of nursing homes, and juvenile detention centers.

~~(U//FOUO)~~ After receiving a credible complaint regarding a CRIPA matter, FOs must contact DOJ-CRT to discuss the merits of the complaint and the advisability of pursuing a CRIPA investigation. A universal case file number is assigned to an investigation only upon receipt of a request from DOJ-SLS to conduct an investigation, and only after an EC has been drafted, serialized, and sent electronically to CRU. The EC must also include an action lead for CRU for review and for dissemination to DOJ-CRT and a “read and clear” for PC/CRIU.

4.11.7. (U) Pattern and Practice

(U) In 1991, in the aftermath of the Rodney King investigation, Congress passed the Police Accountability Act to address police misconduct issues. Subsequently, a gap was discovered in seeking suitable redress in systematic excessive force investigations.

(U) Accordingly, Congress enacted the Violent Crime Control and Law Enforcement Act of 1994, which authorized the Attorney General to file lawsuits seeking court orders to reform police departments that violate citizens' federal rights. Title 42 U.S.C. § 14141 (the police misconduct provision) makes it unlawful for state or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. The types of conduct covered by this law include, but are not limited to, excessive force; discriminatory harassment; false arrests; coercive sexual conduct; and unlawful stops, searches, or arrests. In order to be covered by this law, the misconduct must constitute a pattern or practice; it may not simply be an isolated incident. DOJ-CRT must be able to show, in court, that the agency has an unlawful policy, or the incidents constituted a pattern of unlawful conduct. However, DOJ does not have to show that discrimination has occurred in order to prove a pattern or practice of misconduct as in other civil laws.

(U) DOJ may seek injunctive relief to end the misconduct and changes in the agency's policies and procedures that resulted in or allowed the misconduct. The remedies available under this law do not include individual monetary relief for the victims of the misconduct. There is no private right of action under this law; only DOJ-CRT may file suit for violations of the police misconduct provision.

(U) The Civil Rights Act of 1964 (Title VI) and the Omnibus Crime Control and Safe Streets Act of 1968 (Office of Justice Programs [OJP] statute), which are listed under 42 U.S.C. § 2000d, et seq. and § 3789d(c), prohibit discrimination on the basis of race, color, national origin, sex, and religion by state and local law enforcement agencies receiving financial assistance from DOJ. These laws prohibit both individual instances and patterns or practices of discriminatory misconduct, such as treating a person differently because of race, color, national origin, sex, or religion. The misconduct covered by these program statutes includes, but is not limited to, harassment or use of racial slurs, unjustified arrests, discriminatory traffic stops, coercive sexual conduct, retaliation for filing a complaint with DOJ or participating in an investigation, use of excessive force, or refusal by the agency to respond to complaints alleging discriminatory treatment by its officers.

(U) The focus of these civil actions, which is to have the law enforcement agency consent to change the discriminatory or abusive behavior, is very different from a typical federal criminal investigation that seeks to prosecute the individual(s). To date, these investigations have not significantly impacted FBI resources in that they are civil proceedings and do not normally require criminal investigative assistance.

(U) DOJ may seek changes in the policies and procedures of the agency to remedy violations of these laws and, if appropriate, may also seek individual remedial relief for the victim(s). Individuals have a private right of action under Title VI and under the OJP statute. In other words, victims themselves can file lawsuits under these laws. However,

if they wish to file in federal court under the OJP statute, they must first exhaust their administrative remedies by filing complaints with DOJ-CRT.

4.12. (U) Human Trafficking

~~(U//FOUO)~~ The Thirteenth Amendment to the United States Constitution states, “Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist in the United States, or any place subject to their jurisdiction. Congress shall have power to enforce this article by appropriate legislation.” Nevertheless, various forms of involuntary servitude still exist in certain forms throughout the country. The end of this section provides a comprehensive listing of legislation commonly used as part of the prosecution of human trafficking investigations. In the simplest of terms, under federal law, human trafficking has occurred if a person was induced to perform labor or a commercial sex act through force, fraud, or coercion.

~~(U//FOUO)~~ The use of the word “trafficking” is often confusing since transportation of victims is not required under the law, and trafficking, which requires transportation of people across an international border, is distinct from alien smuggling. The focus of the adult human trafficking statutes is on the use of force, fraud, or coercion to compel a victim to provide labor or commercial sex acts. Movement is not an element under the human trafficking statutes.

~~(U//FOUO)~~ The majority of human trafficking investigations typically fall under one of three broad categories: (1) forced labor, (2) forced domestic servitude, or (3) forced commercial sex. Immigrants often enter the country thinking that wonderful opportunities await them; however, after their arrival, they are forced into involuntary servitude with little recourse for escape because of threats, unfamiliarity with the U.S. legal system, and language and social barriers. While immigrants are particularly vulnerable to traffickers, U.S. citizens have also fallen victim to human trafficking.

~~(U//FOUO)~~ FOs must coordinate their HT investigations with the Violent Crimes Against Children Section if the case agent identifies minor victims. Although investigations involving the victimization of U.S. citizens (minors) through commercial sex acts may involve a violation of the sex trafficking statute, the Violent Crimes Against Children Section has oversight of these matters. Additionally, HT investigations that involve minor victims must be dual-captioned to reflect the appropriate child exploitation matter. FOs must coordinate their HT investigations with the appropriate criminal enterprise unit if the investigation reveals a link to gang members, gang activity, an organized crime group, or an organized crime violation.

~~(U//FOUO)~~ A T visa is received from USCIS, Department of Homeland Security by a victim of human trafficking through a self-application process. The T visa program was created by Congress to provide long-term stability to victims of human trafficking. Often, a victim or a victim's representative asks the case agent to complete an I-914 form, Supplement B, “Declaration of Law Enforcement Officer for Victim of Trafficking in Persons.” If the individual meets the requirements outlined in the I-914 (Supplement B), the case agent and his or her supervisor may complete the applicable sections of the form for submission to USCIS. It is important to note that the definitions that are used in the I-914 (Supplement B) are not the elements of the criminal offense, but those that are set

forth in Title 8 Code of Federal Regulations (CFR) § 214.11 (a). Any questions regarding the completion of the Form I-914 (Supplement B) can be brought to the attention of the Civil Rights Unit, FBIHQ.

(U) U visas are frequently used for victims of human trafficking. (See Section 4.8 of this PG for additional information.)

4.12.1. (U) Human Trafficking Investigations

(U//~~FOUO~~) The focus of the human trafficking statutes is on those instances where force, fraud, and coercion were used to compel an individual to provide labor, service, or a commercial sex act. Most cases involve a pattern of coercion that can be difficult to prove. Often, the victim's testimony is the primary evidence of coercion. As a result, the investigation must focus on collecting evidence of force, fraud, and coercion, which can corroborate a victim's testimony. Coercion often takes place in subtle ways over a long period of time. A list of suggested questions to use for victim interviews can be found in Appendix C of this PG, but this list can also be used to help identify many different forms of coercion that may be employed in a human trafficking investigation.

(U//~~FOUO~~) Human trafficking investigations involving allegations of presently ongoing victimization provide unique challenges. While the safety and security of potential victims must not be jeopardized, covert methods of gathering evidence, such as the use of CHSs and undercover operations (UCO), must seriously be considered. Efforts must be coordinated with the FO's VS early in these investigations to ensure that there are services available to the victims when needed.

(U//~~FOUO~~) Victims of human trafficking are eligible for a variety of services and immigration relief. Agents investigating human trafficking matters must work closely with a VS to ensure that victims are provided with necessary services. Of particular value to a human trafficking investigation is immigration relief through a Continued Presence (CP) application to Immigration and Customs Enforcement (ICE) for victims. SAs must complete CP application forms for victims in active investigations. The processing of the Continued Presence applications is coordinated by the Office for Victim Assistance at FBIHQ, and SAs must work with the VSs in their FOs to ensure that these applications are processed correctly.

(U//~~FOUO~~) The Department of Justice, Civil Rights Division, Human Trafficking Prosecution Unit is a valuable resource that can provide advice, guidance, consultations, brainstorming, and troubleshooting in human trafficking investigations. SAs and assistant United States attorneys (AUSA) can contact the Human Trafficking Prosecution Unit at 202-514-3204 for assistance.

(U//~~FOUO~~) While movement is not an element of the human trafficking statutes, proof of an effect on interstate commerce is required. Therefore, investigators must keep this interstate nexus requirement in mind, and evidence of interstate commerce must be collected.

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4.12.2. (U) Human Trafficking Statutes

Statute	Violation
(U) 18 U.S.C. § 1324	Smuggling Offenses
(U) 18 U.S.C. § 1328	Harboring for Prostitution
(U) 18 U.S.C. § 894	Collection of Extensions of Credit by Extortionate Means
(U) 18 U.S.C. § 1201	Kidnapping
(U) 18 U.S.C. § 1203	Hostage Taking
(U) 18 U.S.C. § 1351	Fraud in Foreign Labor Contracting
(U) 18 U.S.C. § 1546	Fraud and Misuse of Visas, Permits, and Other Documents
(U) 18 U.S.C. § 1581	Peonage; Obstructing Enforcement
(U) 18 U.S.C. § 1582	Vessels for Slave Trade
(U) 18 U.S.C. § 1583	Enticement into Slavery
(U) 18 U.S.C. § 1584	Sale Into Involuntary Servitude
(U) 18 U.S.C. § 1585	Seizure, Detention, Transportation, or Sale of Slaves
(U) 18 U.S.C. § 1586	Service on Vessels in Slave Trade
(U) 18 U.S.C. § 1587	Seizure, Possession of Slaves Aboard a Vessel
(U) 18 U.S.C. § 1588	Transportation of Slaves from the United States
(U) 18 U.S.C. § 1589	Forced Labor
(U) 18 U.S.C. § 1590	Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor
(U) 18 U.S.C. § 1591	Sex Trafficking of Children or by Force, Fraud, or Coercion
(U) 18 U.S.C. § 1592	Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor
(U) 18 U.S.C. § 1593	Mandatory Restitution

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Statute	Violation
(U) 18 U.S.C. § 1594	General Provisions
(U) 18 U.S.C. § 2421	Mann Act
(U) 18 U.S.C. § 2422	Coercion and Enticement
(U) 18 U.S.C. § 2423(a)	Transportation of Minors with Intent to Engage in Criminal Sexual Activity
(U) 18 U.S.C. § 2424	Filing Factual Statement about Alien Individual

(U) See Appendix D of this PG for detailed information on each statute, or refer to the *Federal Criminal Code and Rules Booklet*.

4.13. (U) Freedom of Access to Clinic Entrances

~~(U//FOUO)~~ Since the murder of Dr. George Tiller on May 31, 2009, in Wichita, Kansas, there has been a marked increase in the number of abortion providers and clinic staff personnel reporting that they have been intimidated and threatened. There has also been an increase in the number of reproductive healthcare facilities reporting numerous incidents during which protesters have threatened clinic staff and have engaged in behaviors that have caused disruptions in the clinics' operations.

(U) The FACE Act (18 U.S.C. § 248) makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure, intimidate, or interfere with a person (or attempt to do so) because he or she is or has been obtaining or providing reproductive health services. Section 248 also makes it unlawful for a person to intentionally damage or destroy the property of a facility because it provides reproductive health services.

(U) The elements of prohibited activities under the FACE Act are enumerated in 18 U.S.C. § 248(a). With respect to reproductive health care facilities, the following elements must be established to constitute a FACE Act violation: the use of “force, threat of force, or physical obstruction which intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with a person because that person is or has been, or in order to intimidate such person or any other person or class of person, from seeking or providing reproductive health services.” In addition, 18 U.S.C. § 248(a)(3) prohibits intentionally damaging or destroying property or attempting to do so because reproductive health services are provided there.

~~(U//FOUO)~~ "Acts of force" include physical assaults, violent attacks, and tampering with the automobile of a physician who provides reproductive health services with the intent to cause an accident.

~~(U//LES)~~ "Threat of force" encompasses communications made under circumstances in which a reasonable person would foresee that the recipient could interpret the communication as a serious expression to inflict bodily harm. Threat of force includes

both verbal and nonverbal threats, and the specific factual context of the communication is crucial to a determination of whether it constitutes a true threat. Factors the courts consider include, but are not limited to:

- (U) Recipient reaction.
- (U) Whether the threat was conditional.
- (U) Whether the threat was conveyed directly to the recipient.
- (U) Whether the victim had a reason to believe that the maker of the threat had the propensity to engage in violence.
- (U) The history of the relationship between the subject and the recipient.
- (U) The context of the threat.

~~(U//LES)~~ The courts have emphasized that these cases are very fact-specific. Further, the presence or absence of one or more of these factors is not dispositive. Courts have uniformly held that a subject's inability to carry out a threat is not a defense.

~~(U//LES)~~ In the FACE Act context, there are many instances in which a threatening communication also includes political or religious rhetoric that would otherwise be protected speech under the First Amendment. If, however, some portion of the communication conveys a true threat, the fact that it also includes political or religious rhetoric does not provide a defense, and it is therefore not considered protected speech.

~~(U//LES)~~ The threat analysis in FACE Act investigations is essentially the same as in other criminal threat investigations, and the Supreme Court has recognized that the prohibition on true threats is designed to "protect individuals from the fear of violence" and "from the disruption that fear engenders." (*Virginia v. Black*, 123 S.Ct. 1536, 1548 (2003)). The speaker need not actually intend to carry out the threat; a communication made in a context where it is reasonably foreseeable that the victim will be placed in fear of physical harm is sufficient.

~~(U//LES)~~ Several courts have addressed true threats in the context of the FACE Act. For example, in *United States v. Hart*, 212 F.3d 1067 (8th Cir. 2000), the court found that parking yellow Ryder trucks at the entrance of abortion clinics could constitute a "threat of force," because the trucks were similar to the truck used in the Oklahoma City bombing, and the defendant targeted an abortion clinic, which is often the site of protests and violence. The placement of the trucks coincided with a visit to the city by the President, which heightened concerns about potential violence; the defendant provided no notice or explanation for his actions; the clinic staff was in fact frightened and called the police; and the police brought in the bomb squad. In upholding the defendant's conviction, the court stated that the defendant's conduct violated the statute because of the particular manner in which he parked the trucks.

~~(U//LES)~~ In *United States v. Dinwiddie*, 76 F.3d 913 (8th Cir. 1996), the defendant was an anti-abortion activist who was well-known for the view that it was justifiable to use lethal force against doctors who provide abortions. She made approximately 50 comments, via bullhorn, to an abortion provider, warning him that what had happened to a doctor who had recently been shot and killed could happen to him. The victim reacted

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by putting on a bulletproof vest. Some of the comments made by the subject were: "Remember [physician killed by anti-abortion activist]... This could happen to you... He is not in the world anymore... Whoever sheds man's blood by man, his blood shall be shed." The court found that although the defendant did not explicitly state that she was going to injure the physician, her comments still constituted a true threat because of the manner in which she made her statements, the context in which they were made, and the physician's reaction to the statements.

~~(U//LES)~~ In *Planned Parenthood of Columbia/Willamette, Inc. v. American Coalition of Life Activists*, 290 F.3d 1058 (9th Cir. 2002), the defendant organization (American Coalition of Life Activists [ACLA]) developed a poster listing the names and addresses of a group of doctors performing abortions, declaring them guilty of crimes against humanity. They later unveiled another poster targeting a particular doctor, offering money to anyone who would persuade the doctor to turn from child killing. The next year, ACLA unveiled the "Nuremberg Files," a series of dossiers on doctors, clinic employees, politicians, and judges. ACLA stated that it had compiled the files so that when the nation's opinion turned against abortion, Nuremberg-like trials could be held. The names were ultimately posted on a Website. On the site, persons who had been murdered had their names struck through, and those who had been wounded had their names grayed out. The court found that "ACLA was aware that a 'WANTED'-type poster would likely be interpreted as a serious threat of death or bodily harm by a doctor in the reproductive health services community who was identified on one, given the previous pattern of "WANTED" posters identifying a specific physician followed by that physician's murder. The same is true of the posting about these physicians on that part of the 'Nuremberg Files' where lines were drawn through the names of doctors who provided abortion services and who had been killed and wounded." As a result, the court found ACLA's communications constituted a true, threatening statement that violated FACE and was not protected under the First Amendment.

~~(U//LES)~~ As these cases demonstrate, the determination of whether a communication constitutes a true threat turns on very specific facts.

~~(U//LES)~~ The term "physical obstruction" means to render impassable or to make it "unreasonably difficult or dangerous" to enter or exit a place that provides reproductive health services.

~~(U//LES)~~ Examples of "physical obstruction" include blockades and invasions, pouring glue into clinic locks, chaining people to entrances of buildings that provide reproductive health services, and placing nails on public roads leading to clinics. Finally, examples of "damage or destruction" of property include arson, bombing, chemical attacks, and vandalism. It is important to remember that many prohibited activities will fall under more than one of these four categories. For example, physically restraining a provider of reproductive health services constitutes both unlawful physical obstruction and unlawful use of force.

~~(U//LES)~~ The definitions section of 18 U.S.C. § 248(e) also provides definitions for the term "intimidate," "interfere with," "reproductive health services," and "facility." It is important to remember that "reproductive health service" is defined broadly to include not only places that provide abortions, but also, for example, places that provide

counseling services that relate to pregnancy and fertility clinics. It bears emphasizing that actual injury, interference, intimidation, or destruction is not necessary to establish a violation of the FACE Act, but rather attempts are enough.

~~(U//LES)~~ Determining the motive of the subject is critical. The federal government must prove the subject committed the prohibited activity in order to intimidate the victim or any other person from providing, obtaining, or seeking to provide or obtain reproductive health services. Under the express language of the statute, a person may violate the FACE Act even if he or she is mistaken in the belief that the target of the conduct is providing or has been providing or obtaining reproductive health services.

~~(U//LES)~~ As a result of the fact that successful prosecutions of subjects for violating the FACE Act depend upon the establishment of specific details, it is important for investigating agents to document all available facts surrounding a particular incident. It is also important for investigators to refrain from inserting their own opinions or legal conclusions into their reports.

~~(U//LES)~~ Because determinations of threats under the FACE Act turn on very specific facts, it is incumbent upon investigating agents to obtain and document those facts.

4.13.1. (U) FACE Act Classification

~~(U//FOUO)~~ When an anti-abortion incident or crime occurs in which the subject is not known, or if the subject(s) has no nexus to an anti-abortion extremist or group, the investigation is to be opened under the civil rights 286 (FACE Violation) investigative classification.

~~(U//FOUO)~~ A DT investigation should be opened when a criminal act involves an individual(s) who seeks to further political and/or social goals, wholly or in part, through activities that violate federal law and involve the use of force or violence. Also, if a specific, articulable, criminal violation on the part of a person or persons affiliated with a domestic terrorist group is determined to have occurred, is occurring, or is about to occur, a DT investigation should be opened.

~~(U//FOUO)~~ When an anti-abortion incident or crime occurs in which the subject has a nexus to anti-abortion extremism or an anti-abortion group, a dual-captioned investigation should be opened: 266J (Acts of Terrorism-Domestic Terrorism-Abortion Extremism) and 286 (FACE Violation) investigative classifications.

~~(U//FOUO)~~ When there is a bomb threat, attempted bombing, or actual bombing of a facility providing reproductive health care services, and the subject has a nexus to anti-abortion extremism or an anti-abortion group, the investigation should be opened under the 266J and 286 investigative classifications.

~~(U//FOUO)~~ In instances where there is a bombing incident at a reproductive health care facility, and there is no nexus to anti-abortion extremism or an anti-abortion group, the investigation should be opened under the 174A (Actual or Attempted Bombings/Explosives Matter) and 286 (FACE Violation) investigative classifications. In all bombing matters lacking a counterterrorism (CT) or DT nexus, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) should be recognized as the lead investigative agency.

4.13.2. (U) 18 U.S.C. § 248, Freedom of Access to Clinic Entrances Act

(U) See Appendix D of this PG for detailed information on each statute, or refer to the *Federal Criminal Code and Rules Booklet*.

4.14. (U) Other Statutes Applicable to Civil Rights

(U) The following statutes apply to more than one of the CR subprograms:

1. (U) 18 U.S.C. § 241 - Conspiracy Against Rights
2. (U) 18 U.S.C. § 844(h) - Federal Explosives Control Entrances
3. (U) 18 U.S.C. § 1001 - False Statement

(U) See Appendix D of this PG for detailed information on each statute or refer to the *Federal Criminal Code and Rules Booklet*.

5. (U) Sample Investigative Steps

5.1. (U) Investigative Steps for Predicated Civil Rights Investigations

5.1.1. (U) Steps Applicable to all CR Investigations (See “Investigative Methods in the DIOG.”)

(U) The CRU has provided the following guidance to assist the field. This section is not an all-inclusive list of investigative steps, as each CR investigation will be unique in nature and will require SAs to follow logical investigative steps to satisfy the elements of the applicable CR statutes.

- (U//~~LES~~) Interview the victim or complainant and witnesses for complete details.
- (U//~~LES~~) Obtain copies of all local police reports relevant to the incident under investigation. Prepare a cover FD-302 identifying the source of these records and the date they were obtained. Ensure the copies obtained from local police departments are legible. Determine the status of any local investigation and prosecution against the subject(s).
- (U//~~LES~~) Locate and preserve the physical evidence that may be at the scene of the crime or in the possession of the local police department.
- (U//~~LES~~) Interview any suspects/subjects, if identified.
- (U//~~LES~~) Obtain medical release authority from any victim(s).
- (U//~~LES~~) Observe and take or collect photographs of all injuries related to the complainant.
- (U//~~LES~~) In coordination with a VS, prepare a notification list containing the names and mailing addresses of victims, subjects, complainants, and responsible officials (if requested). DOJ forwards information concerning the outcome of investigations to all parties once they have closed their files.
- (U//~~LES~~) Conduct indices and criminal record checks on subjects and victims.
- (U//~~LES~~) Obtain medical reports, and in a case where a death has occurred, obtain an autopsy or coroner's report.
- (U//~~LES~~) Obtain medical records.

5.2. (U) Unique Investigative Steps for Each Civil Rights Subprogram

5.2.1. (U) Conducting a Hate Crime Investigation (See “Investigative Methods” in the DIOG.)

(U) The CRU has provided the following guidance to assist the field. This section is not an all-inclusive list of investigative steps, as each CR investigation will be unique in nature and will require SAs to follow logical investigative steps to satisfy the elements of the applicable CR statutes.

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- (U//~~LES~~) [REDACTED]
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- (U//~~LES~~) [REDACTED]
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- (U//~~LES~~) [REDACTED]
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- (U//~~LES~~) [REDACTED]
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[REDACTED]
- (U//~~LES~~) [REDACTED]
[REDACTED]

5.2.2. (U) Conducting a Color of Law Investigation

- (U//~~LES~~) Advise an agency representative of the investigation (e.g., police chief, sheriff, internal affairs personnel, or warden) as soon as possible following the opening of the investigation. The notification may be delayed if such notification will interfere with sensitive investigative methods.
- (U//~~LES~~) Determine if any administrative or judicial action has been taken, such as an internal affairs investigation.

5.2.3. (U) Conducting a Human Trafficking Investigation

(U//~~LES~~) The following should be evaluated during the investigation of a human trafficking allegation (not all-inclusive):

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- (~~U//LES~~) Review police reports for any information of possible domestic violence, suspicious activity, or anonymous reports.
- (~~U//LES~~) Review the document entitled “Protocol for Working Human Trafficking Cases,” located on the CRU Intranet site. (See Appendix C of this PG.)
- (~~U//LES~~) Consider source information (e.g., street sources or jail sources).
- (~~U//LES~~) Consider post “prostitution raid” interviews (e.g., belated outcry-type witnesses).
- (~~U//LES~~) Consider “John” information (e.g., plea bargaining or self-serving cooperation with law enforcement).
- (~~U//LES~~) Consider former victim complaints (e.g., following escape from subjects or completed payment of debt).
- (~~U//LES~~) Consider surveillance cameras and pole cameras to identify safe houses, vehicles, victims, and subjects.
- (~~U//LES~~) Contact and coordinate with all working groups or federal, state, or local task force components (e.g., Bureau of Immigration and Customs Enforcement [BICE]; ATF; Alcohol and Beverage Control, Department of Labor; NGOs; and victim service providers, including FBI victim specialists).
- (~~U//LES~~) Assemble preliminary raid logistics (e.g., number of subjects; victims; and locations to be raided, secured, and searched).
- (~~U//LES~~) Coordinate with the local AUSA and the DOJ; consider use of the grand jury to lock in testimony.
- (~~U//LES~~) Prepare preliminary search and arrest warrants and anticipate legal challenges.
- (~~U//LES~~) Consider concerns regarding forfeiture and restitution matters.
- (~~U//LES~~) Consider the prosecution witness potential of those who may have consented to prostitution from the outset.
- (~~U//LES~~) Consider contact with, and travel to, the source country (law enforcement) in order to verify fraudulent documents, seek out fugitives, and identify source country expert witnesses.
- (~~U//LES~~) Contact the appropriate local law enforcement agency and request copies of any investigative documents relevant to the incident, location, or individuals who are subjects of the CR investigation. Local law enforcement can be of valuable assistance during the course of a human trafficking investigation.

5.2.4. (U) Conducting a FACE Act Investigation

(U) The CRU has provided the following guidance to assist the field. This section is not an all-inclusive list of investigative steps, as each CR investigation will be unique in

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nature and will require SAs to follow logical investigative steps to satisfy the elements of the applicable CR statutes.

- (~~U//LES~~) Identify the nature of any threats, intimidation, and physical violence perpetrated against the victim.
- (~~U//LES~~) Advise the responsible head or appropriate official of the facility that an FBI investigation has been opened.
- (~~U//LES~~) Determine whether the facility has incurred any loss or any current or future revenues or expenses as a result of the incident.
- (~~U//LES~~) Identify any individuals who were scheduled for appointments on the day of the FACE violation(s) but who did not keep their appointments.
- (~~U//LES~~) Contact the appropriate local law enforcement agency and request copies of any investigative documents relevant to the incident, location, or individuals who are subjects of the CR investigation. Local law enforcement can be of valuable assistance during the course of a FACE Act investigation.

5.3. (U) Liaison Contacts (See the “Retention and Sharing of Information” Section of the DIOG.)

(U) Liaison contacts represent an integral part of any investigative program. These contacts are very important in the Civil Rights Program. Effective liaison contacts are vital to explain the FBI's role in CR investigations to the organizations representing the segments of society most likely affected. Many of these recommendations are obvious and are most likely already included within the contacts being currently maintained by FBI CRPs. Some recommended contacts, such as those associated with HT matters, may not be so obvious because of the types of victims targeted in HT matters, and the fact that this is often a hidden crime. Liaison contacts who have knowledge of the HT crime problem, as well as the trust of potential victims, can be of immeasurable assistance to the FBI. Listed below are some recommended CR-related liaison organizations; it is not meant to preclude FBI FOs from aggressively seeking out lesser-known, local liaison contacts who could enhance their individual CRPs.

(U) The following list has been broken down into recommended contacts for each FBI CR subprogram. Many of the recommended contacts are established, nationally-known organizations; however, the FO should note that some of the recommended contacts, particularly some of those associated with HT matters, are not as established and sometimes change or fall out of favor. Often, HT-related contacts or NGOs tend to be specific to a particular region. The NGOs listed within this PG are proven entities that have provided quality service to the FBI and exceptional assistance to HT crime victims. The following are some recommended CR-related liaison organizations:

5.3.1. (U) Hate Crime

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

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- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]

5.3.2. (U) Color of Law

- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]
- (U) [Redacted]

(U) Human Trafficking

• **(U) Mid-Atlantic:**

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

• (U) Midwest

b7D

- (~~U//FOUO~~) [REDACTED]
- (U) Northeast
 - (~~U//FOUO~~) [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
 - [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
- (U) Southeast:
 - (~~U//FOUO~~) [REDACTED]
 - [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
 - [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
- (U) West Coast:
 - (~~U//FOUO~~) [REDACTED]
 - [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
- (U) FACE Act:
 - (~~U//FOUO~~) [REDACTED]
 - (~~U//FOUO~~) [REDACTED]
 - (~~U//FOUO~~) [REDACTED]

5.4. (U) Guidance to Establish an Effective Civil Rights Program

(~~U//FOUO~~) The CRU has established specific criteria to be used when evaluating all aspects of FO CRPs. These measures are also used by the CRU when providing documentation regarding SAC performance reviews, FOSPs, and in preparation for performance enhancement initiatives. In order for an FO to have an effective and efficient CRP, it must aggressively perform the following:

- (~~U//FOUO~~) Identify priority matters by conducting a review of the CRP threat within an FO's domain. Such a review must be conducted every two to three years and must include sufficient and comprehensive information concerning the FO's entire territory, such as the area's demographic composition; identification of minority and immigrant populations; labor industries that are susceptible to HT violations; and a listing of all law enforcement agencies and correctional institutions.

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- (U//~~FOUO~~) Ensure that the FO's CRP goals and objectives address the established FBI national strategies.
- (U//~~FOUO~~) Develop and continuously improve the civil rights intelligence base. This must include the following:
 - (U//~~FOUO~~) Engage in liaison with law enforcement agencies, civil rights advocacy groups, NGOs, community groups, and other minority organizations.
 - (U//~~FOUO~~) Monitor local and regional media to identify potential civil rights investigations.
 - (U//~~FOUO~~) Engage in outreach efforts with community leaders to increase awareness about the FBI's CRP.
 - (U//~~FOUO~~) Aggressively develop CHSs to support investigative efforts.
 - (U//~~FOUO~~) Coordinate with the FO's FIG.
- (U//~~FOUO~~) Investigate allegations of civil rights violations aggressively. This must include the following:
 - (U//~~FOUO~~) Investigations that are opened must be consistent with crime problems identified by the FO in addition to the FO's goals and objectives.
 - (U//~~FOUO~~) Investigations must be opened, conducted, and completed promptly and according to all administrative and reporting requirements.
 - (U//~~FOUO~~) FOs must actively participate in civil rights-related task forces or working groups.
 - (U//~~FOUO~~) FOs must develop excellent working relationships with the USAO and with DOJ-CRT.
- (U//~~FOUO~~) Implement a training program that is consistent with the crime problems identified through program review and the opening of investigations.
 - (U//~~FOUO~~) Sponsor an annual civil rights training conference for representatives of local law enforcement agencies, correctional facility personnel, civil rights advocacy groups, NGOs, and other community groups in the territory.
 - (U//~~FOUO~~) Provide training to local law enforcement entities regarding identified crime problems.
 - (U//~~FOUO~~) Encourage personnel to attend training sponsored by the CRU or to attend equivalent regional training.
- (U//~~FOUO~~) Consistently comply with all FBI and CRU reporting requirements.
 - (U//~~FOUO~~) Ensure that all CR investigations are opened by the completion and submission of an opening EC.
 - (U//~~FOUO~~) Maintain an active and frequent dialogue with DOJ-CRT regarding the disposition of pending investigations.

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- (~~U//FOUO~~) Ensure that program managers and coordinators establish and maintain appropriate liaison files and Assessment files to document their respective divisions' efforts in managing DOJ referrals and complaints, liaison contacts, training, and intelligence base development.
- (~~U//FOUO~~) Ensure that FOs are utilizing their full complement of CR resources.

Appendix A: (U) Sources of Additional Information

(U) See the FBI Civil Rights Unit Intranet site for additional information.

Appendix B: (U) CRP Classifications and Federal Statutes

Subprogram	Classification	Federal Statute
<u>Hate Crimes - Racial or Religious Discrimination</u> <i>Includes violence and hate crimes perpetrated by individuals and/or members of racist groups.</i>	• 44A (Racial Discrimination - Force and/or Violence) • 44B (Racial Discrimination - No Force and/or Violence) • 44C (Voting Rights Violations)	• Federally Protected Activities 18 U.S.C. § 245 • Conspiracy Against Rights, 18 U.S.C. § 241
<i>Damage and/or destruction of religious property.</i>	• 44D (Religious Discrimination - Force and/or Violence) • 44E (Religious Discrimination - No Force and/or Violence)	• Damage to Religious Property, 18 U.S.C. § 247
<i>Includes violence perpetrated against individuals based on national origin, gender/gender identity, sexual orientation, or disability.</i>	• 44F (National Origin Discrimination) • 44G (Gender/Gender Identity Discrimination) • 44H (Sexual Orientation Discrimination) • 44I (Disability Discrimination) • 44J (Multiple Bias Discrimination)	• Hate Crimes Prevention Act of 2009, 18 U.S.C. § 249
<i>Discrimination in the occupation, purchase, sale, rental, and/or financing of housing on the basis of race, color, religion, sex, handicap, familial status, or national origin.</i>	• 177A (Discrimination in Housing - Force and/or Violence) • 177B (Discrimination in Housing - No Force and/or Violence)	• Criminal Interference with Right to Fair Housing, 42 U.S.C. § 3631

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Subprogram	Classification	Federal Statute
<u>Human Trafficking</u>	• 50 (Human Trafficking)	• Trafficking Victims Protection Act, 18 U.S.C. §§ 1584 and 1589 - 1594
<u>Color of Law/Law Enforcement Misconduct</u> <i>Includes physical abuse, the infliction of summary punishment and deprivation of rights through fabrication of evidence.</i>	• 282A (Color of Law - Force and/or Violence) • 282B (Color of Law - No Force and/or Violence) • 282C (Color of Law - Force and/or Violence - Indian Country) • 282D (Color of Law - No Force and/or Violence - Indian Country) • 214 (Civil Rights of Institutionalized Persons)	• Color of Law, 18 U.S.C. § 242 • Conspiracy Against Rights, 18 U.S.C. § 241 • False Statements, 18 U.S.C. § 1001 • Obstruction of Justice, 18 U.S.C. § 1512 • Perjury Before a Federal Grand Jury, 18 U.S.C. § 1623
<u>Freedom of Access to Clinic Entrances Act</u> <i>Bars conduct, including violence that would obstruct access to reproductive health facilities or damage and/or destruction to these properties.</i>	• 286A (FACE Act - Force and/or Intimidation) • 286B (FACE Act - Threat of Force and/or Intimidation) • 286C (FACE Act - Property Damage or Destruction) • 286E (FACE Act - Civil Action) • 286F (FACE Act - Partial Birth Abortion Ban)	• FACE Act, 18 U.S.C. § 248 • Arson or Bombing, 18 U.S.C. § 844 • Threatening Communications (Mail), 18 U.S.C. § 875 • Interstate Threats (E-mail, Telephone), 18 U.S.C. § 876 • Use of Firearm During the Commission of a Federal Violation, 18 U.S.C. § 924 • Partial Birth Abortion Ban, 18 U.S.C. § 1531

Appendix C: (U) Recommended Questions for Human Trafficking Assessments and Predicated Investigations

A. (U) Investigative Tips

1. (~~U//LES~~) Refrain from asking the victim, “Were you a slave?” Many HT victims are understandably traumatized and they may lack a clear understanding of the concept of slavery.
2. (~~U//LES~~) Do not be afraid to bring in a trauma specialist or someone with a background in child sex abuse investigations to assist. Obtain suggestions from a VS if unsure of the best approach.
3. (~~U//LES~~) Watch for an attempt by the victim to portray himself or herself as strong and not capable of being deceived by captors; the victim may be embarrassed about the situation. The victim may be reluctant to admit that he or she was tricked, forced, or enslaved. It is imperative to first stress nonslavery elements such as recruitment and travel. This approach often relaxes victims and enables them to admit their victimization. At this point, a victim's sense of shame about his or her ordeal is often tempered by a growing trust of the interviewing agent.
4. (~~U//LES~~) It is strongly recommended that the interviewing agent wear casual clothing and have no firearm visible during the interview.

B. (U) Recommended Questions

- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]
- (~~U//LES~~) [REDACTED]

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Appendix D: (U) Protocols for Working Human Trafficking Investigations

~~(U//LES)~~ As a best practice and in order to ensure smooth communication and collaboration during HT investigations, all SAs and VSs responsible for working HT matters should meet to discuss strategies for addressing issues related to the victims in these investigations. SAs should contact field office VSs on a periodic basis to ensure timely and appropriate case coordination. The VS should include the HT protocol in training with SAs.

(U) Initial Notification

- ~~(U//LES)~~ If an SA receives information that could result in the imminent rescue of a human trafficking victim, or is planning to conduct an operation that could result in the rescue, the SA should notify his or her FO VS as soon as possible. The more time a VS has to prepare for the needs of a victim, the better served the victim will be.
- ~~(U//LES)~~ Provide the VS with as much information as possible to include, but not limited to:
 - ~~(U//LES)~~ The type of case being investigated (sex, labor, etc).
 - ~~(U//LES)~~ The number of victims.
 - ~~(U//LES)~~ The cultural heritage or ethnicity of the victim(s) (domestic, international).
 - ~~(U//LES)~~ The gender of victims.
 - ~~(U//LES)~~ The presence of children.
 - ~~(U//LES)~~ Potential language barriers and the need for interpreters.
 - ~~(U//LES)~~ Special needs requirements (medical, religious, etc.).

(U) Preoperational Planning

- ~~(U//LES)~~ The VS should be included in all the operational briefings and meetings concerning the takedown or planned operation and should be considered part of the team.
- ~~(U//LES)~~ Conduct a needs evaluation.
- ~~(U//LES)~~ The VS should conduct a needs evaluation for potential victims.
- ~~(U//LES)~~ After receiving approval from the SA, the VS should contact NGOs, providing the minimal amount of victim information necessary to begin gathering resources to address the needs of the victim(s), including food, clothing, shelter, and language services.
- ~~(U//LES)~~ The SA and VS must discuss the possibility of the recovery of minors in all human trafficking operations and make plans to ensure the well-being of the child (or children). Additionally, the SA must notify the appropriate FO squad handling violent crimes against children (VCAC) matters if a minor victim has been recovered, or if it is anticipated that a minor victim will be recovered. As a matter of common practice,

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if a minor is discovered prior to the planned takedown of an operation, he or she must be removed immediately. According to the *Attorney General Guidelines for Victim and Witness Assistance* (2011 Edition/Revised May 2012), “Investigators should consider and make inquiry into whether children will be on the scene of an arrest, search warrant, or other enforcement action, and take appropriate actions to address the safety and well-being of children to include involving victim specialists or local child protection agencies as indicated by the circumstances and condition of the children prior to or at the time of the law enforcement action.”

- (U//~~LES~~) Child protection services must be notified in advance of a law enforcement operation if there is any potential for minors to be present so they will be prepared to take custody of any minor(s) at the time of the operation.
- (U//~~LES~~) The SA and the VS should determine the approximate number and type of victim services personnel that should be present on the day of the operation. This may include government agencies, NGOs, immigration attorneys, USAO victim witness coordinator(s), and language specialists.
- (U//~~LES~~) The SA and the VS will determine if additional victim assistance is needed for an operation. If there are multiple operational sites or a potential for the recovery of multiple victims, a minimum of two VSs should be utilized. If so, the VS will contact his or her Office for Victim Assistance (OVA) program manager to request additional assistance.

(U) The Needs Assessment Venue (NAV)

- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) The SA and the VS should plan which government agencies and NGOs will provide the following victim needs:

(U//~~LES~~) Medical

- (U//~~LES~~) Mental health/counseling
- (U//~~LES~~) Food (culturally appropriate)
- (U//~~LES~~) Clothing
- (U//~~LES~~) Immigration services/determination of status
- (U//~~LES~~) Transportation

(U) Transportation Considerations

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- (U//~~LES~~) The SA and the VS should determine how to transport the potential victims and subjects after the execution of the search or arrest warrant. Ideally, all potential victims:
 - (U//~~LES~~) Should be taken to a location that can serve as a NAV.
 - (U//~~LES~~) Should be transported individually, if practical, particularly keeping them separated from known subjects.
 - (U//~~LES~~) [REDACTED]
 - (U//~~LES~~) [REDACTED]

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(U) The Interview/Interview Location

- (U//~~LES~~) While the interviews may take place at or near the NAV, it is imperative that the SA and the VS plan for the victims to be interviewed without other potential victims or subjects nearby.
- (U//~~LES~~) The SA must determine which personnel will be present during the interviews, ensuring the inclusion of language specialists.
- (U//~~LES~~) NGOs should NOT be used as interpreters. Interpreters should be neutral parties to the investigation, preferably government employees.
- (U//~~LES~~) [REDACTED]

(U) Housing Considerations

- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]
 - (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]
- (U//~~LES~~) [REDACTED]

(U) Day of the Takedown

- (U//~~LES~~) The VS should be present during the operational brief.
- (U//~~LES~~) [REDACTED]

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- (~~U//LES~~) [REDACTED]

- (~~U//LES~~) The VS should conduct a needs evaluation and should coordinate services for each potential victim as soon as possible upon recovery, including:

- (~~U//LES~~) Medical
- (~~U//LES~~) Food
- (~~U//LES~~) Clothing
- (~~U//LES~~) Cultural needs
- (~~U//LES~~) Mental health/counseling

(~~U//LES~~) The OVA may be able to provide EVAF, but only for victims identified by the SA and when case funds are not available.

(~~U//LES~~) On scene, if the SA has any reason to believe that a child has been physically or sexually abused, sexually exploited, or treated with negligence, a referral must be made to child protection services based on state and county protocols to ensure appropriate placement of the child.

(~~U//LES~~) [REDACTED]

(~~U//LES~~) [REDACTED]

(U) Post Takedown

- (~~U//LES~~) Upon identification of a victim(s), the SA, the VS, and USAO victim witness coordinator should continue communicating to plan a smooth transition of the victim to NGOs to obtain services including:
 - (~~U//LES~~) Housing/shelter
 - (~~U//LES~~) Job training/employment
 - (~~U//LES~~) Education
 - (~~U//LES~~) Transportation
 - (~~U//LES~~) Medical/health care
 - (~~U//LES~~) Substance abuse treatment (drugs/alcohol)
 - (~~U//LES~~) Protection/safety
 - (~~U//LES~~) Legal services/immigration relief (T visa/U visa)
 - (~~U//LES~~) Court orientation/trial preparation

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- (~~U//LES~~) The SA should file for Continued Presence and Significant Public Benefit Parole requests, if deemed appropriate, for undocumented victims/witnesses.
- (~~U//LES~~) The SA should coordinate with the VS and NGOs to enable appropriate access to victims for investigative purposes.

- (~~U//LES~~) [REDACTED]
[REDACTED]

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Appendix E: (U) Recommended Questions for FACE Assessments and Predicated Investigations

A. (U) Victim/Witness Interviews (Details of the Incident)

1. (~~U//LES~~) [REDACTED]
2. (~~U//LES~~) [REDACTED]
- [REDACTED]
3. (~~U//LES~~) [REDACTED]
4. (~~U//LES~~) [REDACTED]
5. (~~U//LES~~) [REDACTED]
6. (~~U//LES~~) [REDACTED]
7. (~~U//LES~~) [REDACTED]
8. (~~U//LES~~) [REDACTED]
9. (~~U//LES~~) [REDACTED]
10. (~~U//LES~~) [REDACTED]
11. (~~U//LES~~) [REDACTED]
12. (~~U//LES~~) [REDACTED]
13. (~~U//LES~~) [REDACTED]
14. (~~U//LES~~) [REDACTED]
15. (~~U//LES~~) [REDACTED]
- [REDACTED]
16. (~~U//LES~~) [REDACTED]
17. (~~U//LES~~) [REDACTED]
18. (~~U//LES~~) [REDACTED]
- [REDACTED]
19. (~~U//LES~~) [REDACTED]
- [REDACTED]
20. (~~U//LES~~) [REDACTED]

B. Context

1. (~~U//LES~~) [REDACTED]
- [REDACTED]
2. (~~U//LES~~) [REDACTED]

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Appendix F: (U) Protocols for Working FACE Act Violations

Liaison

(U//~~LES~~) Each field office CRP SSA, in consultation with his or her DT SSA counterpart, must have documented liaison with the director, or a designee, from each reproductive healthcare facility (including abortion clinics, fertility clinics, Planned Parenthood centers, etc.) located within its territory every six months. Liaison can be made in person, via telephone, by e-mail, or by other modes of direct communication. Results of these contacts must be reported via EC to the CRU and the DTOU.

Contact Information

(U//~~LES~~) Each field office CRP SSA and DT SSA are responsible for maintaining a current list of reproductive healthcare facilities (including abortion clinics, fertility clinics, Planned Parenthood centers, etc.) with contact information for the directors of those facilities. A copy of this list (and updates) should be forwarded to the CRU and the DTOU via EC.

Notifications

(U//~~LES~~)

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Coordination

(U//~~LES~~)

Appendix G: (U) Statutes Associated with Civil Rights Investigations

1. (U) 8 U.S.C. § 1324 - Bringing in and Harboring certain Aliens

a. (U) Any person who:

(1) (U) Knowing that a person is an alien, brings or attempts to bring to the United States in any manner whatsoever such a person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien.

(2) (U) Knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law.

(3) (U) Knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such an alien in any place, including any building or any means of transportation.

(4) (U) Encourages or induces an alien to come to, enter, or reside in the United States, knowing or in reckless disregard of the fact that such coming to, entry, or residence is or will be in violation of the law.

(5) (U) Engages in any conspiracy to commit any of the preceding acts, or

(6) (U) Aids or abets the commission of any of the preceding acts.

(U) Shall be punished under the law as outlined in subparagraphs contained under this statute.

b. (U) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring into the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each alien in respect to whom a violation of this paragraph occurs, be fined in accordance with Title 18 or imprisoned not more than one year or both.

c. (U) Any person who, during any 12 month period, knowingly hires for employment at least 10 individuals with actual knowledge that the individuals are aliens as described under the law, shall be fined under Title 18 or imprisoned for not more than five years, or both.

d. (U) In the case of a person who has brought aliens into the United States in violation of this subsection, the sentence otherwise provided for may increase by up to 10 years if,

(1) (U) The offense was part of an ongoing commercial organization or enterprise.

(2) (U) Aliens were transported in groups of 10 or more; or

(3) (U) Aliens were transported in a manner that endangered their lives, or the aliens presented a life threatening health risk to people in the United States.

2. (U) 8 U.S.C. § 1328 - Importation of Alien for Immoral Purpose

(U) Section 1328 prohibits three kinds of sexual activities with respect to aliens:

- a. (U) Importing aliens for prostitution.
- b. (U) Holding aliens for prostitution.
- c. (U) Keeping, maintaining, controlling, supporting, employing, harboring aliens for prostitution.

(U) Each one of the above is a separate crime.

3. (U) 18 U.S.C. § 241 - Conspiracy Against Rights

(U) This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any inhabitant of any state, territory, or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, or because of his/her having exercised the same. It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder an individual's free exercise or enjoyment of any rights so secured. Among the rights secured from interference by private individuals by the courts, which have described them as basic substantive rights of federal citizenship, are the following:

- a. (U) The right to vote in a federal election.
- b. (U) The right of a voter in federal elections to have his/her ballot fairly counted.
- c. (U) The right to be free from violence while in federal custody.
- d. (U) The right to assemble and petition the federal government.
- e. (U) The right to testify in federal courts.
- f. (U) The right to inform a federal officer of a violation of federal law.
- g. (U) The right to furnish military supplies to the federal government for defense purposes.
- h. (U) The right to enforce a decree of a federal court by contempt proceedings.
- i. (U) The right of a federal officer not to be interfered with in the performance of his/her duties.
- j. (U) The right to be free to perform a duty imposed by the federal Constitution.
- k. (U) The right to travel freely from one state to another.

(U) In addition to the above rights, the United States Supreme Court in *United States v. Price*, 383 U.S. 787 (1966), held that where state participation was involved in the conspiracy, § 241 covers those rights secured under the Fourteenth Amendment to the U.S. Constitution, which include protection against state action depriving any person of life, liberty, and property without due process of law.

(U) The elements of § 241 are:

- a. (U) Two or more persons must conspire.
- b. (U) The purpose of the conspiracy must be to injure, oppress, threaten, or intimidate one or more persons.
- c. (U) The conspiracy must be directed at the free exercise or enjoyment of a right secured or protected by the Constitution or laws of the United States.

4. (U) 18 U.S.C. § 242 - Deprivation of Rights Under Color of Law

(U) Whoever, under color of any law, statute, ordinance regulation, or custom, willfully subjects any inhabitant of any state, territory, or district to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his/her color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if bodily injury results, fined and/or imprisoned not more than ten years. If death results, the convicted individual shall be subject to imprisonment for any term of years or for life. The following elements apply to this statute:

- a. (U) A person must act under color of law to deprive any inhabitant of rights secured to the inhabitant by the Constitution (specifically in this violation - the right to be free from slavery and involuntary servitude),

(U) Three elements must be proven to establish a violation of § 242 as follows:

- a. (U) The subject must have been acting under color of law.
- b. (U) The subject must have acted willfully.
- c. (U) The subject must have deprived the victim of a right secured or protected by the Constitution or laws of the United States.

(U) In felony cases, the government must also prove that the subject's actions resulted in bodily injury to the victim, that a dangerous weapon, explosives, or fire were used, or that the crime resulted in death or involved a specifically enumerated dangerous felony.

5. (U) 18 U.S.C. § 243 - Exclusion of Jurors on Account of Race or Color

(U) This statute holds that no citizen possessing all other qualifications that are or may be prescribed by law shall be disqualified for service as grand or petit jurors in any court of the United States or any state because of race, color, or previous condition of servitude. It is also a crime for any officer or other person charged with any duty in the selection or summoning of jurors to exclude or fail to summon any citizen for such cause.

6. (U) 18 U.S.C. § 244 - Discrimination Against Persons Wearing Uniform of Armed Forces

(U) This statute makes it a crime for anyone being a proprietor, manager, or employee of a theater or other public place of entertainment or amusement in the District of Columbia or in any territory or possession of the United States to cause any person wearing the

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uniform of any of the armed forces of the United States to be discriminated against because of that uniform.

7. (U) 18 U.S.C. § 245 - Federally Protected Activities

- a. (U) This statute prohibits willful injury, intimidation, or interference (or attempt to do so) by force or threat of force of any person or class of persons because of their activity as:
 - 1) (U) A voter or person qualifying to vote; a candidate campaigning for elective office; a poll watcher; or an election official in any primary, special, or general election, which includes all local, state, and federal elections.
 - 2) (U) A participant in, or a person enjoying, any benefit, service, privilege, program, facility, or activity provided or administered by the United States.
 - 3) (U) An applicant for federal employment or an employee of the federal government.
 - 4) (U) A juror or prospective juror in a federal court.
 - 5) (U) A participant in, or a person enjoying, the benefits of any program or activity receiving federal financial assistance.
- b. (U) This statute prohibits willful injury, intimidation, or interference (or attempt to do so) by force or threat of force of any person because of race, color, religion, or national origin and because of his/her activity as:
 - 1) (U) A student or applicant for admission to any public school or public college.
 - 2) (U) A participant in, or a person enjoying, any benefit, service, privilege, program, facility, or activity provided or administered by a state or local government.
 - 3) (U) An applicant for private or state employment or a private or state employee; a member or applicant for membership in any labor organization or hiring hall; or an applicant for employment through any employment agency, labor organization, or hiring hall.
 - 4) (U) A juror or prospective juror in a state court.
 - 5) (U) A traveler or user of any facility of interstate commerce or common carrier².

² (~~U//FOUO~~) According to the DOJ-CRT, based on statutory language, interpretive case law, and legislative history, it appears that streets and sidewalks fall comfortably within the context of the term "facility." Streets fit within the broad definition of the term "facility," meaning something that is built, constructed, or installed to facilitate some particular end or something that promotes ease of action. To that end, public streets are constructed to serve a particular function, as they are improvements to land that make it easier for people to get from one place to another in a safe and orderly fashion. Streets are also administered by states or local governments. Difficulties arise from the necessary step of proving the subject's actions were not only motivated by the victim's use of the streets, but were also motivated by the subject's intent to prevent the victim from using the streets. For additional information, see the Streets Theory EC, dated 05/20/2005, located on the [CRU Intranet site](#).

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- 6) (U) A patron of any public accommodation, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters, arenas, amusement parks, or any other establishment that serves the public, and which is principally engaged in selling food or beverages for consumption on the premises.

(U) Section 245 prohibits interference by force, or threat of force, against any person because he/she is or has been, or in order to intimidate such person or any other person or class of persons from participating or affording others the opportunity or protection to participate or lawfully aiding or encouraging other persons to participate in any of the benefits or activities listed in items (a) and (b) above, without discrimination as to race, color, religion, or national origin.

- c. (U) Section 245 is applicable to any person or class of person, whether or not they acted under color of law. Section 245 specifically provides that no prosecution of any offense described therein shall be undertaken except, upon written certification of the Attorney General that prosecution by the United States is in the public interest and is necessary to secure substantial justice.
- d. (U) It must be noted that § 245 applies when force and/or violence is utilized within the context of the above statute. When a violation of § 245 occurs, criminal penalties attach. Those portions of the above-described statute applying to items (a)(2) and (3) and (b) (1), (2), (3), (5), and (6) are investigated as a violation of the Civil Rights Act of 1964, classification 173, when allegations are of a nonviolent and/or discriminatory nature.

(U) Violations of statutes which apply under the 173 classification carry civil rather than criminal penalties.

(U) The elements of a § 245 prosecution are as follows:

- a. (U) The subject must have used force or threats of force.
- b. (U) The subject must have injured, intimidated, interfered with, or attempted to injure, intimidate, or interfere with the victim.
- c. (U) The subject must have acted because of the victim's race (or other prohibited animus) and because the victim was enjoying one of the federally protected activities set forth in the statute.
- d. (U) The subject must have acted willfully.

(U) Although the government must prove that the subject acted with the dual motivation described in the third element above, the presence of other motives, such as anger or revenge, does not make the subject's actions any less a violation of the law.

(U) Certification requirement of 18 U.S.C. § 245: the statute requires that the Attorney General, Deputy Attorney General, Associate Attorney General, or a specially designated Assistant Attorney General certify that the prosecution is in the public interest and necessary to secure substantial justice. Therefore, before any indictment is obtained, the necessary certification must have been approved. Furthermore, the approval may not be delegated to anyone other than the above-specified individuals.

(U) Section 245 may also be used to protect persons who are affording other individuals the opportunity to participate in the protected activities (18 U.S.C. § 245(b)(4)(B)). For example, subjects who burned a cross in front of an auto body shop where black employees worked, in order to send a message to the black employees to leave town, were prosecuted both for interfering with the rights of the black employees to work where they chose, and for violating the rights of the white shop owners to employ persons without regard to race.

8. (U) 18 U.S.C. § 246 - Deprivation of Relief Benefits

(U) Section 246 provides that no person shall directly or indirectly deprive, attempt to deprive, or threaten to deprive any person of any employment, position, work, compensation, or any other benefit provided for, or made possible in whole or in part by, any Act of Congress appropriating funds for work relief or relief purposes on account of political affiliation, race, color, sex, religion, or national origin.

9. (U) 18 U.S.C. § 247 - Damage to Religious Property

(U) Section 247 proscribes distinct types of conduct:

- a. (U) Subsection (a)(1) of the statute prohibits intentional defacement, damage, or destruction of any religious real property because of the religious character of that property, or attempts to do so.
- b. (U) Subsection (a)(2) of the statute prohibits intentional obstruction, by force or threat of force, of any person's free exercise of religious beliefs, or attempts to do so.
- c. (U) The circumstances referred to above require that the offense is in or affects interstate or foreign commerce.
- d. (U) Subsection (c) of the statute prohibits intentional defacement, damage, or destruction of any religious characteristics of any individual associated with that religious property, or attempts to do so.

(U) As used in this section, the term “religious real property” means any church, synagogue, mosque, religious cemetery, or other religious real property, including fixtures of religious objects contained within a place of religious worship.

(U) In addition to expressly prohibiting damage to religious real property that is motivated by race or religion, the amendments to § 247 substantially increased the maximum penalties and extended the statute of limitations to seven years.

(U) To prove a violation of § 247(a), the government must show:

- a. (U) That the subject defaced, damaged, or destroyed religious real property.
- b. (U) That the subject acted as he/she did because of the religious character of the property.
- c. (U) That the subject acted intentionally.
- d. (U) That the offense is in or affects interstate commerce.

(U) To prove a violation of § 247(c), the government must show:

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- a. (U) That the subject defaced, damaged, or destroyed religious real property.
- b. (U) That the subject acted intentionally.
- c. (U) That the subject acted as he/she did because of the race, color, or ethnic characteristics of any individual associated with that religious property.

(U) To prosecute incidents involving damage to religious property, and occurring prior to July 3, 1996, the government must prove the following elements:

- a. (U) That the subject damaged religious property.
- b. (U) That the subject acted intentionally.
- c. (U) That in committing the offense, the subject traveled in interstate or foreign commerce or used a facility of interstate or foreign commerce in interstate commerce.
- d. (U) That in the case of property damage, the loss resulting from the damage or defacement must be more than \$10,000.

(U) The amount of property damage required under the original version of this statute, combined with the requirement of the use of interstate commerce, made this statute difficult to charge. Under the original version of § 247, only one prosecution was ever brought, and it involved the use of force to obstruct persons in the free exercise of their religious beliefs. As is outlined above, the amended version eliminated the property damage amount requirement and modified the interstate commerce element for incidents motivated by religion or the intention to interfere with the free exercise of religious beliefs.

(U) Prosecutions for the use of force or threats of force to interfere with a person's free exercise of religious beliefs may be brought under either the original or amended version of § 247. To prove a violation of 18 U.S.C. § 247 in this manner, the government must prove that:

- a. (U) The subject used force or threat of force to obstruct a victim, in the free exercise of the victim's religious beliefs.
- b. (U) The subject acted intentionally.
- c. (U) That, in committing the offense, the subject traveled in interstate or foreign commerce or used a facility of interstate or foreign commerce in interstate commerce (for cases occurring prior to July 3, 1996).
- d. (U) The offense is in or affects interstate commerce (for cases occurring on or after July 3, 1996).

(U) Additionally, before any prosecution may be brought under this statute, the original, or the amended version, the Attorney General or his/her designee must certify in writing that a prosecution by the United States is in the public interest to secure substantial justice.

10. (U) 18 U.S.C. § 248 Freedom of Access to Clinic Entrances

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(U) Section 248(e) of the FACE Act, and its legislative history, define the various terms employed in the act. These terms outline what conduct is prohibited by the act. It is imperative that the investigator be familiar with these terms at the outset of any investigation involving potential violations of the FACE Act. By doing so, the investigator can assess whether the incident actually falls within the FACE Act and can then gather evidence necessary to prove a violation.

a. (U) Prohibited Methods

- 1) (U) “Force” as used in the act, includes physical assaults intended to injure or intimidate someone because that person is obtaining or providing reproductive health services. Some acts of vandalism could constitute prohibited force. For example, the tampering with an automobile of a physician who provides reproductive health services with the intent to cause an accident could constitute prohibited force. Butyric acid attacks, arson, and bombings of clinics also are examples of prohibited force.
- 2) (U) “Threat of force” includes threats of harm intended to injure, intimidate, or interfere with someone because that person is obtaining or providing reproductive health services.

(U) Threats are covered by the act where it is reasonably foreseeable that the threat would be interpreted as a serious expression of an intention to inflict bodily harm.

- 3) (U) “Physical obstruction” means to render impassable ingress to, or egress from, a facility that provides reproductive health services. It also means to render passage to or from such a place unreasonably difficult or hazardous. For example, the FACE Act applies in situations where persons entering or exiting a statutorily protected place actually were able to enter and/or exit, but doing so was made unreasonably difficult or hazardous (including when required to climb over or around people chained to drums containing cement or immobilized vehicles placed very close to entrances and exits). Additional examples of “physical obstruction” include blockading or invading protected facilities, pouring glue into locks, chaining people and cars directly to entrances, and strewing nails on public roads leading to statutorily protected places.

b. (U) Prohibited Acts

- 1) (U) The term “interfere with” means to restrict a person's freedom of movement. This could occur, for example, by means of a human barricade, cement poured in a driveway, or the blocking of a parking lot with a large object or roofing nails. However, the mere causing of psychological discomfort (e.g., by words or photographs) is not sufficient to constitute interference.
- 2) (U) The term “intimidate” means to place a person in reasonable apprehension of bodily harm to himself/herself or to another, including family members. Whether such an apprehension is “reasonable” depends on all of the facts and circumstances presented.

c. (U) Prohibited Motive

(1) (U) “Reproductive health services,” as used in the act, means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and include medical, surgical, counseling, or referral services relating to pregnancy or the termination of a pregnancy. Protected facilities include facilities that offer only counseling about adoption and alternatives to abortion *and* facilities that offer abortions.

d. (U) Additional Protections

- 1) (U) Facilities covered by the act include hospitals, clinics, physicians' offices, or other locations that provide reproductive health services. This includes the building or structure in which the facility is located. Reproductive health services facilities that are located within large office buildings or shopping malls are protected under the act, regardless of whether they are freestanding structures or whether they include facilities that provide other services.

(U) A FACE Act violation requires proof that the subject intended to do the acts that are alleged as the basis of the violation and that the subject did not commit the acts at issue by accident, inadvertence, or mistake. The FACE Act, however, requires an additional proof: proof of the subject's motive for committing a particular act or attempting to commit a particular act. In other words, the FBI must prove why the subject committed a particular act.

(U) To be in violation of the FACE Act, the activity at issue must have been done to a person or place because that person or place was involved in obtaining or providing or attempting to obtain or provide reproductive health services.

(U) For example, a group of nurses who picket in front of a hospital that performs reproductive health services, whose picketing prevents patients from obtaining those services and physicians from providing those services, are not necessarily in violation of the statute. Whether they are or are not depends, in large part, on their motivation. If they are picketing because of a labor grievance, they lack the motive required for a FACE Act violation. If they are picketing because they are opposed to the hospital offering abortions, they have the motive necessary for a FACE Act violation.

(U) In order to prove a violation of the FACE Act, the government must prove the elements exist as follows:

- a. (U) The subject used force, threat of force, or physical obstruction.
- b. (U) The subject intentionally injured, intimidated, or interfered with the victim.
- c. (U) The subject acted as he did because the victim was or had been providing or obtaining reproductive health services.

11. (U) Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act of 2009 - 18 U.S.C. § 249

(U) 18 U.S.C. § 249 (a)(1)

1. (U) The subject of the investigation:

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- a. (U) Caused bodily injury.
- b. (U) Attempted to cause bodily injury using fire, firearms, a dangerous weapon, or an explosive device.
2. (U) The subject acted because of the actual or perceived:
 - a. (U) Race of a person.
 - b. (U) Color of a person.
 - c. (U) Religion of a person.
 - d. (U) National origin of a person.
3. (U) The subject acted willfully.
4. (U) Maximum 10-year prison sentence, unless death (or attempt to kill) results from the offense, or the offense includes kidnapping, aggravated sexual abuse, or attempt to do either.

(U) 18 U.S.C. § 249(a)(2)

1. (U) The subject of the investigation:
 - a. (U) Caused bodily injury.
 - b. (U) Attempted to cause bodily injury using fire, firearms, a dangerous weapon, or an explosive device.
2. The subject acted because of the actual or perceived:
 - a. (U) Religion of a person.
 - b. (U) National origin of a person.
 - c. (U) Gender of a person.
 - d. (U) Sexual orientation of a person.
 - e. (U) Gender identity of a person.
 - f. (U) Disability of a person.
3. (U) The subject acted willfully.
4. (U) The offense was “in or affecting interstate commerce” because:
 - a. (U) The offense occurred during, or as the result of, travel of the subject or the victim across state lines or using a channel or facility of interstate or foreign commerce.
 - b. (U) The subject used a channel, facility, or instrumentality of interstate or foreign commerce in connection with the offense.
 - c. (U) A person employed a firearm; dangerous weapon; explosive or incendiary device; or other weapon that traveled in interstate or foreign commerce.
 - d. (U) The offense interfered with a victim's commercial or economic activity.
 - e. (U) The offense otherwise affected interstate or foreign commerce.

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5. (U) A maximum 10-year prison sentence, unless death (or attempt to kill) results from the offense, or the offense includes kidnapping, aggravated sexual abuse, or an attempts to do either.

(U) 18 U.S.C. § 249(a)(3)

1. (U) The subject of the investigation:
 - a. (U) Caused bodily injury.
 - b. (U) Attempted to cause bodily injury using fire, firearms, a dangerous weapon, or an explosive device.
2. (U) The subject acted because of the actual or perceived:
 - a. (U) Race of a person.
 - b. (U) Color of a person.
 - c. (U) Religion of a person.
 - d. (U) National origin of a person.
 - e. (U) Gender of a person
 - f. (U) Sexual orientation of a person.
 - g. (U) Gender identity of a person.
 - h. (U) Disability of a person.
3. (U) The subject acted willfully.
4. (U) The offense occurred within the special maritime and territorial jurisdiction of the United States.

(U) 18 U.S.C. § 249 (b)

(U) No prosecution of any § 249 offenses can take place unless the Attorney General or his designee certifies that the following:

- A. (U) The state does not have jurisdiction.
- B. (U) The state has requested that the federal government assume jurisdiction.
- C. (U) The verdict or sentence obtained pursuant to state charges left the federal interest in eradicating bias-motivated violence demonstratively unvindicated.
- D. (U) A prosecution by the United States is in the public interest and necessary to secure substantial justice.

(U) 18 U.S.C. § 249 (c) defines “bodily injury,” “explosive or incendiary device,” “firearm,” “gender identity,” and “state.”

(U) 18 U.S.C. § 249 (d)

(U) Statute of limitations:

- a. (U) For offenses not resulting in death: seven years after the date on which the offense was committed.

- b. (U) For offenses resulting in death: no limitation.

11. (U) 18 U.S.C. § 844(h) - Federal Explosives Control Entrances

(U) Section 844(h)(1) can be used where a subject:

- a. (U) Used “fire or an explosive to commit any felony that may be prosecuted in a court of the United States.”
- b. (U) Carried an explosive during the commission of any felony that may be prosecuted in a court of the United States.

(U) The mandatory minimum penalty for violations of § 844(h) was increased from five years to ten years by the Antiterrorism and Effective Death Penalty Act of 1996, which was passed on April 24, 1996. Violations of amended § 247 or § 241 are most likely to be used as the underlying felonies in church arson cases charging violations of § 844(h)(1).

12. (U) 18 U.S.C. § 894 - Collection of Extensions of Credit by Extortionate Means

(U) This statute indicates that it is a violation of the law if an individual knowingly participates in any way, or conspires to do so, in the use of extortionate means to:

- a. (U) Collect or attempt to collect any extension of credit.
- b. (U) Punish any person for the non-repayment thereof.

13. (U) 18 U.S.C. § 1001 - False Statement

(U) Title 18 U.S.C. § 1001 serves as an additional statutory tool for addressing certain obstructive conduct. Section 1001 provides:

- a. (U) Except as otherwise provided, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully:
 - 1) (U) Falsifies, conceals, or covers up by any trick, scheme, or device a material fact shall be [punished].
 - 2) (U) Makes any materially false, fictitious, or fraudulent statement or representation shall be [punished].
 - 3) (U) Makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry shall be [punished].

(U) The Supreme Court has held that § 1001 may be used to prosecute individuals who lie to the FBI during a criminal investigation. There is no requirement that the government prove that the subject knew that the matter was within the jurisdiction of the FBI or another federal agency.

(U) The plain language of § 1001 suggests that concealment must be by “trick, scheme, or device.” Several circuits have determined that failing to disclose facts that one has a legal duty to disclose to the government constitutes an “affirmative act” bringing the nondisclosure under § 1001.

(U) Where a person is required by Bureau of Prisons regulations to document any use of force incident with an inmate, the government can show that the person had a legal duty to disclose his use of force, and therefore, his concealment of such constituted an affirmative act for purposes of prosecution under § 1001.

14. (U) 18 U.S.C. § 1201 - Kidnapping

(U) Whoever unlawfully seizes, confines, entices, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when:

- a. (U) The person is willfully transported in interstate or foreign commerce . . . [shall be guilty of an offense against the United States]. Section 1201(a)(1) prohibits seizing, confining, inveigling, decoying, kidnapping, abducting, or carrying away a victim for ransom, reward, or some other thing of value when, among other things, the victim is willfully transported in interstate or foreign commerce. Section 1201(a)(1) is, in many respects, similar to 18 U.S.C. § 1583 (Enticement into Slavery). Both allow prosecution when a person uses force or enticement to transport a victim from one place to another for prohibited purposes. In § 1583, the prohibited purpose is selling the victim into servitude or holding the victim as a slave. In § 1201, the prohibited purpose is to obtain anything of value to the subject, which might include obtaining the victim's labor or services.

(U) Section 1201(a) also criminalizes kidnapping:

- a. (U) In the special maritime and territorial jurisdiction of the United States.
- b. (U) In the special aircraft jurisdiction of the United States.
- c. (U) Of foreign officials.
- d. (U) Of federal employees.

(U) To obtain a conviction for violating § 1201(a)(1), the government must prove the following elements:

- a. (U) The subject seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away the victim.
- b. (U) The subject held the victim for ransom, reward, or some other benefit.
- c. (U) The subject intentionally transported the victim across state or national boundaries.
- d. (U) The subject acted knowingly and willfully.

(U) To prove a charge under 18 U.S.C. § 1201, the government must prove four elements:

The transportation in interstate commerce of a non-consenting person who is held for ransom or reward or otherwise such acts being done knowingly and willfully.

15. (U) 18 U.S.C. § 1203 - Hostage Taking

(U) Title 18 U.S.C. § 1203 states in pertinent part:

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- a. (U) Except as provided in the subsection below of this section, whoever, whether inside or outside the United States, seizes or detains and threatens to kill, to injure, or to continue to detain another person in order to compel a third person or a governmental organization to do or abstain from doing any act as an explicit or implicit condition for the release of the person detained, or attempts or conspires to do so, [shall be guilty of an offense against the United States].
- b. (U) It is not an offense under this section if the conduct required for the offense occurred outside the United States unless: (1) the offender or the person seized or detained is a national of the United States; (2) the offender is found in the United States; or (3) the governmental organization sought to be compelled is the government of the United States.

(U) It is not an offense under this section if the conduct required for the offense occurred inside the United States; each alleged offender and each person seized or detained are nationals of the United States; and each alleged offender is found in the United States, unless the governmental organization sought to be compelled is the government of the United States.

(U) Many trafficking cases involve aliens who have accrued a smuggling debt in exchange for transportation to the United States. If a subject has sought to extract payment of the debt from a third party, as opposed to the smuggled victim, and if either the subject or the victim is a foreign national, it may be appropriate to charge the offender with hostage taking.

(U) Application of the Hostage Taking Act depends, in part, on the nationality of the offender and the victim. “If either the alleged offender or the victim is a non-national, the Hostage Taking Act applies; however, if both the alleged offender and the victim(s) are nationals of the United States (and the offense occurred in the United States and each alleged offender is found in the United States) then the Act is inapplicable, unless the alleged offender sought to compel the government of the United States to do or abstain from any act.” Domestic hostage taking cases (in which the offenders and the victims are all United States nationals) are generally excluded from the Hostage Taking Act. The act applies “only to acts of kidnapping or hostage taking which have some international aspect or involve the United States government.”

(U) To obtain a conviction for violating § 1203(a), the government must prove the following elements:

- a. (U) The subject seized or detained a victim.
- b. (U) The subject threatened to kill, injure, or continue to detain the victim.
- c. (U) The subject had the purpose of compelling a third person or governmental entity to act in some way or refrain from acting.
- d. (U) The victims or the subjects were foreign nationals or the subjects sought to compel the government of the United States to do or abstain from any act.

16. (U) 18 U.S.C. § 1546 - Fraud and Misuse of Visas, Permits, and Other Documents

(U) Title 18 U.S.C. § 1546 concerns fraud and misuse of visas, permits, and other documents. Section 1546 (a) prohibits “knowingly subscrib[ing] as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws.” Subsection 1546(b) prohibits using a document which the subject knows was not obtained lawfully, see Section 1546(b)(1), a document which the subject knows is false, see Section 1546(b)(2), or a false attestation, see Section 1546(b)(3).

17. (U) 18 U.S.C. § 1581 - Peonage; Obstructing Enforcement

- a. (U) Whoever holds or returns any person to a condition of peonage or arrests any person with the intent of placing him/her in, or returning him/her to, a condition of peonage.
- b. (U) Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of this section, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

18. (U) 18 U.S.C. § 1582 - Vessels for Slave Trade

(U) Whoever, whether as master, factor, or owner, builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, in any port or place within the United States, or causes such vessel to sail from any such port or place for the purpose of procuring any person from any foreign kingdom or country to be transported and held, sold, or otherwise disposed of as a slave or held to service or labor, shall be fined under this title or imprisoned not more than seven years, or both.

19. (U) 18 U.S.C. § 1583 - Enticement into Slavery

- a. (U) Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave.
- b. (U) Whoever entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he/she may be made or held as a slave, or sent out of the country to be so made or held, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

(U) The elements of this statute are as follows:

- a. (U) A person must kidnap or carry away any other person.
- b. (U) A person must kidnap or carry away any other person with the intent to sell the individual into compulsory service or hold that person as a slave.
- c. (U) A person must induce another person to board a vessel or to go to any place.
- d. (U) A person must have the intent that the victim will be made or held as a slave or sent out of the country to be so held or made.
- e. (U) All actions listed above must be against the victim's will.

20. (U) 18 U.S.C. § 1584 - Sale Into Involuntary Servitude

(U) Whoever knowingly and willfully holds to involuntary servitude or sells into any condition of involuntary servitude any other person for any term, or brings within the

United States any person so held, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

(U) The elements of this statute are as follows:

- a. (U) A person must knowingly and willfully hold in compulsory service or sell into compulsory service any other person against that person's will.
- b. (U) A person must knowingly and willfully bring into the United States any other person held in compulsory service.

(U) To obtain a conviction for violating § 1584, the government must prove the following elements:

- a. (U) The subject must have held the victim(s) to involuntary servitude through restraint, force, threats of force, or legal coercion.
- b. (U) Such holding must have been for a term (any period of time).
- c. (U) The subject must have acted knowingly and willfully.

21. (U) 18 U.S.C. § 1585 Seizure, Detention, Transportation, or Sale of Slaves

(U) Whoever, being a citizen or resident of the United States and a member of a crew or ship's company of any foreign vessel engage in slave trade, or whoever, being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and on any foreign shore seizes any person, with intent to make that person a slave, or decoys, or forcibly brings, carries, receives, confines, detains, or transports any person as a slave on board of such vessel, or on board of such vessel, offers or attempts to sell any such person as a slave, or on the high seas or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from such vessel any person with intent to sell, or having previously sold, such person as a slave, shall be fined under this title or imprisoned not more than seven years, or both.

22. (U) 18 U.S.C. § 1586 - Service on Vessels in Slave Trade

(U) Whoever, being a citizen or resident of the United States, voluntarily serves on board of any vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be fined under this title or imprisoned not more than two years, or both.

23. (U) 18 U.S.C. § 1587 - Possession of Slaves Aboard a Vessel

(U) Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas within the jurisdiction of the United States, or hovering off the coast thereof, and having on board any person for the purpose of selling such person as a slave, or with intent to land such person for such purpose, shall be fined under this title or imprisoned not more than four years, or both.

24. (U) 18 U.S.C. § 1588 - Transportation of Slaves from the United States

(U) Whoever, being the master or owner or person having charge of any vessel, receives on board any other person with the knowledge or intent that such person is to be carried

from any place within the United States to any other place to be held or sold as a slave, or carries away from any place within the United States any such person with the intent that he may be so held or sold as a slave, shall be fined under this title or imprisoned not more than ten years, or both.

25. (U) 18 U.S.C. § 1589 - Forced Labor

(U) Whoever knowingly provides or obtains the labor or services of a person:

- a. (U) By threats of serious harm to, or physical restraint against, that person or another person.
- b. (U) By way of any scheme, plan, or pattern intended to cause the person to believe that if the person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint.
- c. (U) By means of abuse or threatened abuse of law or the legal process, [shall be guilty of an offense against the United States].

(U) If death results from the violation of this section or if the violation includes kidnapping or an attempt to kidnap; aggravated sexual abuse or the attempt to commit aggravated sexual abuse; or an attempt to kill, the offender [shall be subject to higher criminal penalties].

(U) Section 1589 was passed in response to the Supreme Court's decision that to prove a violation of the pre-Trafficking Victims Protection Act (TVPA) involuntary servitude statutes, the government must prove that the servitude was "enforced by the use or threatened use of physical or legal coercion."

(U) To obtain a conviction for violating § 1589, the government must prove the following elements (the TVPA's criminal provisions have not been tested in court, so the elements of the offenses can at this point only be set forth in reliance on the plain language of the respective sections):

- a. (U) The offender provided or obtained the labor or services of a person.
- b. (U) The offender did so in one of three prohibited manners:
 - 1) (U) Through threats of serious harm to, or physical restraint against, that person or another person.
 - 2) (U) Through a scheme, plan, or pattern intended to cause the person to believe that non-performance would result in serious harm to, or physical restraint against, that person or another person.
 - 3) (U) Through the abuse or threatened abuse of the law or legal process.
- c. (U) The offender acted knowingly.

26. (U) 18 U.S.C. § 1590 - Trafficking with Respect to Peonage, Slavery, Involuntary Servitude, or Forced Labor

(U) Whoever knowingly recruits, harbors, transports, provides, or obtains by any means, any person for labor or services in violation of this chapter shall be [guilty of an offense against the United States]. If death results from the violation of this section or if the

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violation includes kidnapping or an attempt to kidnap; aggravated sexual abuse or the attempt to commit aggravated sexual abuse; or an attempt to kill, the offender shall be subject to higher criminal penalties.

(U) To obtain a conviction for violating § 1590, the government must prove the following elements:

- a. (U) The offender did recruit, harbor, transport, provide, or obtain a person for labor or services.
- b. (U) The labor or services were to be obtained or maintained in violation of any provision of Title 18, Chapter 77.
- c. (U) The offender acted knowingly.

27. (U) 18 U.S.C. § 1591 - Sex Trafficking of Children or by Force, Fraud, or Coercion

(U) Whoever knowingly:

- a. (U) In or affecting interstate commerce or foreign commerce, or within the territorial jurisdiction of the United States, recruits, entices, harbors, transports, provides, or obtains by any means a person.
- b. (U) Benefits financially or by receiving anything of value from participation in a venture which has engaged in an act described in violation of the above paragraph.
- c. (U) Knowing that force or fraud will be used to cause the person to engage in a commercial sex act, or that the person has not attained the age of 18 years and will be caused to engage in a commercial sex act, shall be punished under this statute.

(U) The trafficking conduct prohibited under the new statute is, in many ways, similar to that prohibited under the Mann Act. As a result, charging both the Mann Act and § 1591 for the same activity may trigger a multiplicity challenge (charging someone more than once for the same criminal conduct). This problem might be avoided however, by pairing a Mann Act charge under § 2421 or § 2423(a) (which do not require a showing of coercion) and § 1591 charge alleging fraud, force, or coercion. Furthermore, it must be noted that § 1591 is limited to trafficking involving a commercial sex act, which requires proof that the act was performed in exchange for something of value. Trafficking involving non-commercial sex acts may not be prosecuted under § 1591.

(U) To obtain a conviction for violating § 1591, the government must prove the following elements:

- a. (U) For § 1591(a)(1), that the subject knowingly did recruit, entice, harbor, transport, provide, or obtain a person for a commercial sex act.

For § 1591(a)(2), that the subject benefited financially or received something of value by participating in a venture to recruit, entice, transport, provide, or obtain a person for a commercial sex act.

- b. (U) The subject's actions were "in or affecting interstate commerce."

- c. (U) The subject knew that the trafficked person's participation in the commercial sex act was, or was intended to be, caused by force, fraud, or coercion, or that the trafficked person was under 18 years of age.

28. (U) 18 U.S.C. § 1592 - Unlawful Conduct with Respect to Documents in Furtherance of Trafficking, Peonage, Slavery, Involuntary Servitude, or Forced Labor

(U) Title 18 U.S.C. § 1592 provides in pertinent part:

- a. (U) Whoever knowingly destroys, conceals, removes, confiscates, or possesses any actual or purported passport or other immigration document or any other actual or purported government identification document of another person:
 - 1) (U) In the course of a violation of § 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a);
 - 2) (U) With intent to violate § 1581, 1583, 1584, 1589, 1590, or 1591;
 - 3) (U) To prevent or restrict or to attempt to prevent or restrict, without lawful authority, the person's liberty to move or travel, in order to maintain the labor or services of that person, when the person is or has been a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, [shall be guilty of an offense against the United States].
- b. (U) Subsection (a) does not apply to the conduct of a person who is, or has been, a victim of a severe form of trafficking in persons, as defined in section 103 of the Trafficking Victims Protection Act of 2000, if that conduct is caused by, or incident to, that trafficking.

(U) Section 1592 makes it illegal to seize documents in order to force others to work. By expanding its coverage to false documents as well as official documents, § 1592 recognizes that victims are often immobilized by the withholding of whatever documents they possess, even if the documents are forged or fraudulent. Section 1592 should expand the scope of federal trafficking statutes, to reach those who prey on the vulnerabilities of immigrant victims by controlling their papers.

(U) To obtain a conviction for violating § 1592(a)(1) & (2), the government must prove the following elements:

- a. (U) The subject did destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or other government identification document of another person.
- b. (U) For a violation of § 1592(a)(1), that the destruction, concealment, removal, confiscation, or possession of the document occurred in the course of a violation of § 1581, 1583, 1584, 1589, 1590, 1591, or 1594(a).
- c. (U) For a violation of § 1592(a)(2), that the subject's destruction, concealment, removal, confiscation, or possession of the document occurred with the intent to violate § 1581, 1583, 1584, 1589, 1590, or 1591.

d. (U) The subject acted knowingly.

(U) To obtain a conviction for violating § 1592(a)(3), the government must prove the following elements:

- a. (U) The subject did destroy, conceal, remove, confiscate, or possess an actual or purported passport, immigration document, or other government identification document of another person.
- b. (U) The subject acted so to maintain the labor or services of that person.
- c. (U) The person whose documents were destroyed, concealed, removed, confiscated, or possessed, was a victim of a severe form of trafficking, which requires proof that:
 - 1) (U) The victim was subjected to sex trafficking in which a commercial sex act was induced by force, fraud, or coercion.
 - 2) (U) The victim was subject to sex trafficking in which the victim was induced to perform a commercial sex act before reaching 18 years of age.
 - 3) T(U) he victim was subject to the recruitment, harboring, transportation, provision, or obtaining of his or her labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

d. (U) The subject acted knowingly.

(U) Destroy, Conceal, Remove, Confiscate, or Possess an Actual or Purported Passport, Immigration Document, or Other Government Identification Document of Another Person.

(U) Each subsection of § 1592(a) requires that the government prove that the offender destroyed, concealed, removed, confiscated, or possessed immigration documents or similar government identification. The statute makes clear that such acts are criminalized, even if the documents are forged or if the subject merely “purports” that the documents are valid.

(U) Document Confiscation During the Violation of Other Criminal Trafficking Laws.

(U) Section 1592(a)(1) prohibits the confiscation of documents in the course of a violation of other criminal trafficking laws. An attempt to violate one of the other Chapter 77 offenses is a legally cognizable, separate offense. Section 1594(a), which criminalizes attempts to violate the other trafficking statutes, is included as one of the predicate statutes for a § 1592(a)(1) violation.

(U) Document Confiscation with the Intent to Violate Other Criminal Trafficking Laws.

(U) Section 1592(a)(2) penalizes the confiscation of documents with the intent to violate other criminal trafficking laws. This subsection may be helpful in getting pleas, especially with cooperating co-defendants. To establish “intent to violate,” prosecutors must explore whether the subjects were counting on the victims to believe that the

confiscation of the documents rendered them incapable of leaving the subjects' service, whether from fear of law enforcement or simply by leaving them stranded in the United States.

(U) Document Confiscation in Connection with Severe Forms of Trafficking in Person(s).

(U) Section 1592(a)(3) does not require showing that an individual violated or intended to violate another trafficking statute. To establish a violation of § 1592(a)(3), the government must prove both of the following: (1) the confiscation of a document was done in order to prevent or restrict the victim's liberty to move or travel, so as to maintain the labor or services of that person; and (2) the victim was a "victim of a severe form of trafficking."

(U) To establish that someone was a "victim of a severe form of trafficking," the government must prove that the person:

- a. (U) Was subject to sex trafficking through force, fraud, or coercion.
- b. (U) Was a minor who was trafficked for commercial sex.
- c. (U) Was trafficked for labor or services through the use of force, fraud, or coercion, for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

(U) The term "involuntary servitude" is defined by statute to mean "any scheme, plan, or pattern intended to cause a person to believe that, if the person did not enter into or continue in such condition, that person or another person would suffer serious harm or physical restraint; or the abuse or threatened abuse of the legal process." Debt bondage is defined as "the status or condition of a debtor arising from a pledge by the debtor of his or her personal services, or of those of a person under his or her control as a security for debt, if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined."

(U) Forced labor, criminalized under § 1589, is not one of the forms of servitude which, under the express statutory language, allows a victim to qualify as a "victim of a severe form of trafficking in persons." Section 1592(a)(3) cross-references the definition of involuntary servitude used in the civil victim protection provisions.

29. (U) 18 U.S.C. § 1593 - Mandatory Restitution

- a. (U) Notwithstanding §§ 3663 or 3663A, and in addition to any other civil or criminal penalties authorized by law, the court shall order restitution for any offense under this chapter.
- b. (1) (U) The order of restitution under this section shall direct the defendant to pay the victim (through the appropriate court mechanism) the full amount of the victim's losses, as determined by the court under paragraph (3) of this subsection.

(2) (U) An order of restitution under this section shall be issued and enforced in accordance with section 3664, in the same manner as an order under section 3633A.

(3) (U) As used in this subsection, “full amount of the victim's losses” has the same meaning as provided in § 2259(b)(3), and shall in addition include the greater of the gross income or value to the defendant of the victim's services, or labor or the value of the victim's labor as guaranteed under the minimum wage and overtime guarantees of the Fair Labor Standards Act (Title 29 U.S.C. § 201 et seq.)

- c. (U) The term “victim” means the individual harmed as a result of a crime under this chapter, including, in the case of a victim who is under 18 years of age, incompetent, incapacitated, or deceased, the legal guardian of the victim or a representative of the victim's estate, or another family member, or any other person appointed as suitable by the court, but in no event shall the individual be named such representative or guardian.

30. (U) 18 U.S.C. § 1594 - General Provisions

- a. (U) Whoever attempts to violate Section 1581, 1583, 1584, 1589, 1590, or 1591 shall be punishable in the same manner as a completed violation of that section.
- b. (U) The court, in imposing sentence of any person convicted of any violation of this chapter, shall order, in addition to any other sentence imposed and irrespective of any provisions of State law, that such person shall forfeit to the United States--
 - 1) (U) Such person's interest in any property, real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and
 - 2) (U) Any property, real or personal, constituting or derived from, any proceeds that such person obtained, directly or indirectly, as a result of such violation.
- c. (1) (U) The following shall be subject to forfeiture to the United States and no property right shall exist in them:
 - (a) (U) Any property, real or personal, used or intended to be used to commit or to facilitate the commission of any violation of this chapter.
 - (b) (U) Any property, real or personal, which constitutes or is derived from proceeds traceable to any violation of this chapter.
- (2) (U) The provision of chapter 46 of this title relating to civil forfeitures shall extend to any seizure or civil forfeiture under this subsection.
- d. (U) Witness protection: Any violation of this chapter shall be considered an organized criminal activity or other serious offense for the purposes of application of chapter 224 (relating to witness protection).

31. (U) Title 18, U.S.C. § 2421 Mann Act - Transportation Generally

(U) Whoever knowingly transports any individual in interstate or foreign commerce, or in any Territory or Possession of the United States, with intent that such individual engage in prostitution, or in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title or imprisoned not

more than 10 years, or both. To obtain a conviction for violating Section 2421 of the Mann Act, the government must prove the following elements:

- a. (U) The defendant transported a person with the intent that the transported person engage in prostitution or some other sexual activity that is punishable as a criminal offense; and
- b. (U) The defendant knowingly transported the person across state or foreign borders.

32. (U) 18 U.S.C. § 2422 - Coercion and Enticement

(U) 18 U.S.C. § 2422 prohibits inducing or coercing a victim to travel in interstate commerce to engage in prostitution or other sexual activity punishable as a criminal offense. This section differs from § 2421 of the Mann Act because it applies where the subject does not directly transport the victim, but instead persuades her to travel across state or foreign borders to engage in prostitution and the victim travels “under her own steam.” Section 2422 may be useful in situations where the victims responded to advertisements or recruitment efforts for employment opportunities in the United States. However, because the victims in involuntary servitude cases are almost always physically transported by the subjects or the subjects' agents, § 2421 often may be a more appropriate charge.

33. (U) 18 U.S.C. § 2423 - Transportation of Minors

- a. (U) Transportation with intent to engage in criminal sexual activity: A person who knowingly transports an individual who has not attained the age of 18 years in interstate or foreign commerce, or in any commonwealth, territory, or possession of the United States with intent that the individual engage in prostitution or in any sexual activity for which any person can be charged with a criminal offense, shall be fined under this title and imprisoned not less than five years and not more than 30 years.
- b. (U) Travel with intent to engage in illicit sexual conduct: A person who travels interstate commerce or travels into the United States or a United States citizen or an alien admitted for permanent residence in the United States who travels in foreign commerce for the purpose of engaging in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.
- c. (U) Engaging in illicit sexual conduct in foreign places: Any United States citizen or alien admitted for permanent residence in the United States who travels in foreign commerce and engages in any illicit sexual conduct with another person shall be fined under this title or imprisoned not more than 30 years, or both.
- d. (U) Ancillary offenses: Whoever, for the purpose of commercial advantage or private financial gain, arranges, induces, procures, or facilitates the travel of a person, knowing that such a person is traveling in interstate commerce or foreign commerce for the purpose of engaging in illicit sexual conduct, shall be fined under this title, imprisoned not more than 30 years, or both.

- e. (U) If an individual attempts or conspires to violate subsections outlined above shall be punished in the same manner as a completed violation of that subsection.

34. (U) 18 U.S.C. § 2424 - Filing Factual Statement about Alien Individual

(U) Section 2424 requires brothel owners to register with the Commissioner of the Immigration and Naturalization Service (INS) if they are housing aliens in prostitution. Section 2424 “does not prohibit indulgence or commercial involvement in prostitution. It merely imposes a requirement of registration upon one who harbors an alien prostitute.” However, as it is not common practice for owners of illicit establishments to notify the INS of either their existence or their employment of undocumented aliens, non-registration would be easy to establish in virtually every case.

35. (U) 42 U.S.C. § 1973i - Voting Rights Act of 1965 – Prohibited Acts

(U) Section 1973i provides that no person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote, nor shall they willfully fail or refuse to give effect to such person's vote. This section also prohibits intimidation of, or attempts to, intimidate persons for voting or urging or aiding others to vote. Alleged violations of this statute having racial aspects are handled under the 44 classification. They are to be captioned, “Civil Rights - Voting Laws.” Other alleged violations of 42 U.S.C. § 1973 are handled under the 56 classification and are captioned, “Election Laws.”

36. (U) 42 U.S.C. § 1973 - Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) of 1986

- 37. (U) This act consolidated and improved provisions of law relating to absentee registration and voting in elections for Federal office by members of uniformed services and persons who reside overseas.

38. (U) 42 U.S.C. § 1997 - Civil Rights of Institutionalized Persons Act

- a. (U) The statute grants to the Attorney General explicit authority to initiate civil actions designed to redress systematic deprivations of the constitutional rights of institutionalized persons. The definition of “institutions” includes mental hospitals, mental retardation facilities, jails, prisons, certain types of nursing homes, and juvenile detention centers.
- b. (U) In order for the Attorney General to initiate suits under the act, there must be “reasonable cause” to believe that there exists a “pattern or practice” of “egregious or flagrant” legal violations which deprive residents of institutions of the basic rights guaranteed by the Constitution or laws of the United States. Implementation of this act is the responsibility of the Civil Rights Division of the Department of Justice.
- c. (U) Of particular relevance to the FBI is section 4(a) (2) of the act. That provision authorizes the Attorney General to commence investigations of institutions for the purpose of determining whether legal violations have occurred. The law also requires the Attorney General to provide pertinent state officials with seven days' notice of the Attorney General's intent to commence such an investigation.

39. (U) 42 U.S.C. § 3604 - Discrimination in the Sale or Rental of Housing

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- a. (U) This statute prohibits activity where the rationale for the individual's conduct is the alleged victim's race, color, religion, sex, familial status, or national origin as follows: (Note that handicap status is not covered under these two sections.)
 - 1) (U) Refusal to sell or rent a dwelling after a *bona fide* offer has been made; refusal to negotiate to sell or rent a dwelling; or otherwise make unavailable or deny a dwelling to any person.
 - 2) (U) Discrimination against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services (i.e., the use of a real estate broker) in connection therewith.
- b. (U) The statute prohibits conduct, if the rationale for the individual's conduct is the alleged victim's race, color, religion, sex, familial status, handicap, or national origin. (Note that handicap status is covered by these sections.)
 - 1) (U) Marking, painting, publishing, or causing to be made, printed, or published any notice, statements, or advertisement regarding the sale or rental of a dwelling that indicates any preference, limitation, or discrimination, or an intention to make any such preference, limitation, or discrimination.
 - 2) (U) Representing to any person that a dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
 - 3) (U) The practice of "blockbusting" is inducing or attempting to induce for profit, any person to sell or rent any dwelling by representation regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.
- c. (U) Finally, the statute prohibits discrimination in sale or rental (and conditions thereof) to any buyer or renter because of the buyer/renter's handicap; the handicap of a person residing or intending to reside with the buyer/renter; and the handicap of an associate of the buyer/renter.

39. (U) 42 U.S.C. § 3605 - Discrimination in Residential Real Estate-Related Transactions

- a. (U) This statute makes it unlawful for any person or entity who is involved in a "residential real estate-related transaction" to discriminate in making available such a transaction or requiring terms or conditions of such a transaction on the basis of race, color, religion, sex, handicap, familial status, or national origin.
- b. (U) "Residential real estate-related transaction" is defined as one of the following:
 - 1) (U) The making or purchasing of loans or providing other financial assistance for:
 - a. (U) Purchasing, constructing, improving, repairing or maintaining a dwelling.
 - b. (U) Conducting a financial transaction secured by residential real estate.
 - c. (U) Selling, brokering, or appraising of residential real property.

40. (U) 42 U.S.C. § 3606 - Discrimination in the Provision of Brokerage Services

(U) This statute makes it unlawful to deny any person access to membership or participation in any multiple-listing service, real estate brokers' organization, or any other service, organization, or facility relating to the business of selling or renting dwellings because of that person's race, color, sex, religion, familial status, or national origin.

41. (U) 42 U.S.C. § 3617 - Interference, Coercion, or Intimidation; Enforcement by Civil Action.

(U) This statute makes it unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of (or on account of) his/her having exercised or having aided or encouraged any other person in the exercise or enjoyment of any housing rights enumerated in 42 U.S.C. §§ 3604-3606.

(U) This statute does not require the use of force or threat of force to find the conduct to be unlawful. However, enforcement of the statute is by civil action initiated by the Department of Justice or the Department of Housing and Urban Development (HUD), rather than criminal action.

42. 42 U.S.C. § 3631 - Criminal Interference Violations - Bodily Injury, Death, Penalties

(U) This statute makes it unlawful for any individual(s) by the use of force or threatened use of force, to injure, intimidate, or interfere with (or attempt to injure, intimidate, or interfere with) any person's housing rights because of that person's race, color, religion, sex, handicap, familial status, or national origin. Among those housing rights enumerated in the statute are:

- a. (U) The sale of a dwelling.
- b. (U) The purchase of a dwelling.
- c. (U) The renting of a dwelling.
- d. (U) The financing of a dwelling.
- e. (U) The occupation of a dwelling.
- f. (U) An individual contracting or negotiating for any of the rights enumerated above (a-f).
- g. (U) An individual applying for, or participating in, any service, organization, or facility relating to the sale or rental of dwellings.

(U) The statute also makes it unlawful by the use of force or threatened use of force, to injure, intimidate, or interfere with any person who is assisting an individual or class of persons in the exercise of their housing rights. Finally, the statute makes it unlawful by the use of force or the threatened use of force to injure, intimidate, or interfere with any citizen who is participating lawfully in speech or peaceful assembly, opposing any denial of an individual's opportunity to participate in any of the activities enumerated above. An individual convicted of violating this section shall be fined not more than \$1,000, or imprisoned not more than one year, or both; and if bodily injury results, shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, shall be subject to imprisonment for any term of years or for life. The important factor in

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applying this statute is that the individual must have either used force or threatened to use force.

(U) The elements of § 3631 violations are as follows:

- a. The subject used force or threat of force.
- b. The subject injured, intimidated, or interfered with (or attempted to injure, intimidate, or interfere with) the victim's right to purchase and occupy a dwelling.
- c. The subject acted as he/she did because of the [race] of one or more of the victims and because one or more of the victims was purchasing and about to occupy a dwelling.
- d. The subject acted willfully.

(U) A violation of § 3631 is a misdemeanor unless one of the following additional elements is proven. The subject's conduct (1) resulted in bodily injury or death; (2) included use, attempted use, or threatened use of a dangerous weapon, explosive, or fire; or 3) included acts or attempts of kidnapping, aggravated sexual abuse, or an attempt to kill.

Appendix H: Contacts

Civil Rights Unit Personnel Directory

Appendix I: (U) Key Words and Acronyms

(U) Key Words

(U) Color of law - when an individual acts under the authority granted to him or her by a federal, state, or local government. Such acts are done outside the boundaries of the individual's lawful authority.

(U) Garrity privilege - while the state, as an employer, can compel or coerce an employee to cooperate in an investigation in order to take administrative action, according to the Fifth Amendment, a self-incriminating statement taken under those circumstances cannot later be used in criminal proceedings.

(U) Nexus - a link, a causal link, a connected group or series.

(U) Talking points - highlights pertinent to a specific topic, division, or program.

THIS TABLE IS UNCLASSIFIED	
AGG-Dom	<i>Attorney General's Guidelines for Domestic Investigations</i>
ASAC	assistant special agent in charge
ATF	Bureau of Alcohol, Tobacco, Firearms and Explosives
AUSA	assistant United States attorney
BICE	Bureau of Immigration and Customs Enforcement
CA	California
CFR	Code of Federal Regulations
CHS	confidential human source
CID	Criminal Investigative Division
CJIS	Criminal Justice Information Services
COL	color of law
CP	Continued Presence

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CR	civil rights
CRD	Civil Rights Division
CRIPA	Civil Rights of Institutionalized Persons Act
CRP	Civil Rights Program
CRU	Civil Rights Unit
DC	District of Columbia
DEA	Drug Enforcement Administration
DIOG	<i>Domestic Investigations and Operations Guide</i>
DOJ	Department of Justice
DOJ-PIS	Department of Justice - Public Integrity Section
DOJ-CRT	Department of Justice - Civil Rights Division
DT	domestic terrorism
DTO	domestic terrorist organization
DTOU	Domestic Terrorist Organization Unit
DTP	Domestic Terrorism Program
EC	electronic communication
EVAF	emergency victim assistance funds
FACE	Freedom of Access to Clinic Entrances Act
FBI	Federal Bureau of Investigation
FBIHQ	Federal Bureau of Investigation Headquarters
FIG	field intelligence group
FL	Florida
FO	field office
FOUO	For Official Use Only

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FOSP	field office strategic plan
GA	Georgia
HC	hate crimes
HCSA	Hate Crimes Statistics Act of 1990
HT	human trafficking
HUD	Department of Housing and Urban Development
ICE	Immigration and Customs Enforcement
IL	Illinois
IMA	Immigration and Nationality Act
INS	Immigration and Naturalization Service
LES	Law Enforcement Sensitive
LHM	letterhead memorandum
MA	Massachusetts
MAPA	management and program analyst
MIOG	<i>Manual of Investigative Operations and Guidelines</i>
NAV	needs assessment venue
NGO	nongovernmental organization
NY	New York
OJP	Office of Justice Program

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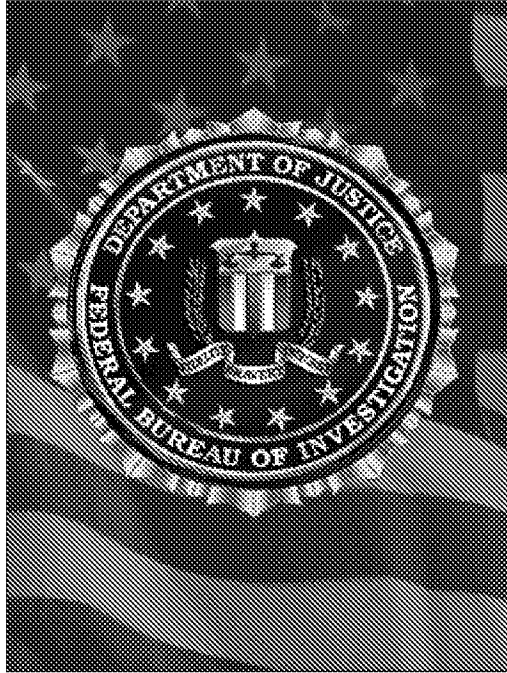
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OVA	Office for Victim Assistance
PAR	Performance Appraisal Report
PC/CRIU	Public Corruption/Civil Rights Intelligence Unit
PCU	Public Corruption Unit
PG	policy implementation guide
PI	Preliminary Investigation
PIN	Public Integrity Section (Department of Justice)
RA	resident agency
SA	special agent
SAC	special agent in charge
SC	section chief
SIM	sensitive investigative matter
SLS	Special Litigation Section
SSA	supervisory special agent
TVPA	Trafficking Victims Protection Act
U	UNCLASSIFIED
UC	unit chief
UCO	undercover operation
UCR	Uniform Crime Report
UR	Urgent Report
U.S.	United States
USA	United States attorney
USAM	<i>United States Attorney's Manual</i>
USAO	United States Attorney's Office

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U.S.C.	United States Code
USCIS	United States Citizenship and Immigration Services
USMS	United States Marshals Service
USSS	United States Secret Service
VA	Virginia
VCAC	violent crimes against children
VS	victim specialist

Defensive Tactics Policy Guide



**Federal Bureau of Investigation
Training Division
0884PG
May 18, 2016**

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Defensive Tactics Policy Guide

Appendix C: Contact Information

Training Division			
Instruction Section			
Physical Training Unit	1 Hoover Road Quantico, VA 22135		
Unit Chief			

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Defensive Tactics Policy Guide

1. Introduction

1.1. Purpose

This policy guide (PG) establishes defensive tactics (DT) requirements for all Federal Bureau of Investigation (FBI) special agents (SA) and FBI police officers. It will inform FBI SAs and FBI police officers of the required procedures and responsibilities pertaining to the Defensive Tactics Program.

For the purposes of this PG, the terms "special agent" and "police officer" refer to FBI personnel who are classified in the 1811 (SA) and 0083 (FBI police officer) job series, regardless of the titles or positions they hold at FBI Headquarters (FBIHQ) or in field offices (FO).

1.2. Intended Audience

This PG is directed at FBI SAs and FBI police officers.

2. Roles and Responsibilities

2.1. FBI Headquarters Division/Field Office Heads

FBIHQ division heads (assistant directors [AD])/FO heads (assistant directors in charge [ADIC]/special agents in charge [SAC]) must:

- Ensure that DT training is provided to all FBI SAs and FBI police officers.
- Appoint, with the concurrence of the Training Division (TD), FBI-certified primary defensive tactics instructors (PDTI) to manage DT training programs within their FBIHQ divisions/FOs.

2.2. Supervisors of FBI Special Agents

Supervisors of FBI SAs must:

- Direct FBI SAs to remain proficient in their DT skills in order to ensure that they remain ready to carry out the law enforcement (LE) activities of their positions.
- Ensure that FBI SAs are afforded the time to fully participate in four DT sessions each fiscal year (FY).
- Track each FBI SA's participation in four DT sessions, with the goal of 100 percent completion.
- Notify defensive tactics instructors (DTI) of any FBI SAs who are facing exigent circumstances that limit their abilities to safely complete all four of the DT training sessions but who are still considered fit for duty.

2.3. Defensive Tactics Program Manager (PM)—New Agent Training

The DT PM (Quantico only) must:

- Oversee the content and administration of the FBI's DT training program for new agent trainees (NAT) at Quantico.
- Review the Basic Field Training Course (BFTC) curriculum and course evaluation feedback and, if appropriate, implement necessary course curriculum changes, in coordination with the New Agent & Analyst Training Unit (NAATU) and the Curriculum Management Section (CMS).
- Communicate with the Physical Training Unit (PTU) DTI to provide training guidance, compliance reporting, NAT training updates, and BFTC announcements.
- Serve as the point of contact for the PTU DTI regarding DT NAT BFTC program administrative matters.
- Ensure Federal Law Enforcement Training Accreditation (FLETA) compliance for NAT BFTC matters.
- Perform ancillary duties as assigned by the PTU unit chief (UC).

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2.4. Defensive Tactics Program Manager–Field Office Operations

The FO DT PM must:

- Oversee the content and administration of the FBI's DT training program for all FBI SAs on a quarterly basis and those attending PTU-sponsored DTI certification and recertification in-services.
- Communicate with the FO DTI to provide annual FO training guidance, FO compliance reporting requirements, updates regarding program matters, and course announcements.
- Ensure that the required quarterly DT training sessions are conducted for ID and FBIHQ-based SAs in accordance with this policy.
- Coordinate and conduct DTI certification and recertification courses in support of the FO DT training.
- Serve as a point of contact in the FO on DT program administrative matters.
- Remain familiar with current DT practices for innovative training purposes.
- Assist TD, Office of General Counsel (OGC), Human Resources Division (HRD), and other FBI entities in litigation matters challenging FO DT-related matters.
- Ensure FLETA compliance relating to FO DT matters.
- Perform ancillary duties as assigned by the PTU UC.

2.5. Primary Defensive Tactics Instructors

PDTIs must:

- Attend the DT Instructor Certification in-service and be certified as instructors by TD.
- Maintain DT certification.
- Participate in annual FBI SA physical fitness tests (PFT) and achieve passing scores.
- Instruct at least two documented DT training sessions per year in order to maintain DTI certification.
- Facilitate and document quarterly DT training.
 - PDTIs facilitate quarterly DT training within FOs and report the compliance, or lack thereof, to TD via the DT program annual report.
- Serve as principal FO liaisons on DT matters with TD.
- Administer the annual guidance as FBIHQ-/FO-specific DT training, as identified by the AD/ADIC/SAC.

2.6. Defensive Tactics Instructors

DTIs must:

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- Attend the Defensive Tactics Instructor Certification (DTIC) in-service and be certified as instructors by TD.
- Maintain DT certification.
- Participate in annual FBI SA PFTs and achieve passing scores.
- Ensure that the safety of students and instructors is considered at all times during the blocks of instruction.
- Instruct at least two documented DT training sessions per year in order to maintain certification.

2.7. FBI Special Agents and FBI Police Officers

FBI SAs and FBI police officers must:

- Participate in four DT training sessions per FY.
- Maintain proficiency in DT procedures.

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3. Policies

DT's PTU is the responsible authority on all matters regarding the Defensive Tactics Program at the FBI.

PTU must administer a comprehensive DT training program on lawful tools and tactics.

All FBI SAs and FBI police officers must participate in four DT training sessions per FY. PTU recommends that quarterly DT training be conducted in conjunction with each mandated firearms qualification session.

All DT training provided at each session must be delivered by a certified FBI DTL, documented in Sentinel, the FBI's official recordkeeping system, to file number [REDACTED] and reported annually.

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PTU must ensure program direction and compliance with DT training requirements.

4. Procedures and Processes

4.1. Defensive Tactics Program

The Defensive Tactics Program is designed to provide the tools, tactics, and lawful procedures that LE personnel require for self-protection and to maintain control of subjects to reduce potential threats to themselves and others.

4.2. Defensive Tactics Training

All FBI SAs and FBI police officers must participate in four DT training sessions per FY.

PTU recommends that DT training be conducted in conjunction with each mandated firearms qualification session and include practical applications exercises.

If the FBIHQ division/FO elects to conduct this training jointly with firearms, then the PDTI must coordinate with the principal firearms instructor (PFI) and the FBIHQ division/FO tactical instructor.

It is recognized that certain SA operational assignments (outside the continental United States [OCONUS], legal attachés [LEGAT], assistant legal attachés [ALAT], or FBI SAs on long-term OCONUS temporary duty [TDY] assignments) may preclude participation in annual DT training sessions, but these SA assignments, as well as FBI SAs on medically restricted duties (see subsection 4.4 of this PG), are exempt from otherwise mandatory annual DT training requirements, and an exemption must be granted only when no reasonable opportunity exists to meet the annual DT training requirements.

4.2.1. Training Content

In an effort to ensure that FBI SAs are regularly provided training that addresses all aspects of the FBI Defensive Tactics Program, PDTIs must align their quarterly training content to address the program categories, as outlined in the DT program guidance.

PDTIs must cover topics from each of the categories referenced below over the course of their divisions' /FOs' FY training calendars.

The specific techniques and tactics within each category will be provided to PDTIs via an annual FD-1057, "Electronic Communication," (EC) from the DT PM (see Sentinel file number for additional guidance). Any modifications to techniques and tactics must be approved by the PTU UC.

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PDTIs must ensure that each of the DT training categories is addressed through training during the course of the FY. To allow FBIHQ divisions/FOs latitude and provide consideration for operational commitments and resource limitations, PDTIs must determine in which quarter each training category will be completed. The four basic categories that must be covered (and will be specifically outlined in the annual guidance EC) include:

1. Compliant subject training.
2. Noncompliant subject training.
3. Less-than-lethal options.
4. Deadly force options.

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Note: The DT PM's guidance to PDTIs will continue to be delivered via an annual EC; however, this will be done in collaboration with the Firearms Training Unit (FTU) and the Tactical Training Unit (TTU) in an EC that comprehensively describes LE skills training requirements. The EC will contain a description of DT-specific training modules, by quarter, with allowances to PDTIs to supplement the mandated, specific DT training requirements, as necessitated by the identified needs of FBIHQ divisions/FOs.

4.2.2. Annual Reporting of Quarterly Defensive Tactics Training Compliance

PDTIs direct quarterly DT training within FBIHQ divisions/FOs and report the compliance, or lack thereof, to the PTU UC annually.

The PTU UC requires PDTIs (or their designees) to submit annual ECs documenting the quarterly DT training provided (including FBI SA/FBI police officer participation) during the FY, as outlined in subsection 6.1. of this PG.

These annual reports must also reflect the number and certification statuses of DTIs in FBIHQ divisions/FOs.

4.2.3. Failure to Attend Training

FBI SAs and FBI police officers failing to participate in DT training at least four times per FY must be documented in the annual DT compliance reporting ECs (prepared by PDTIs) that are sent to their FBIHQ division/FO heads and PTU's DT PM. Reasons for the employees not participating in the mandated DT training must be included in the annual ECs.

4.3. Defensive Tactics Instructor Certification Requirements

ID is the certifying authority for an FBI DTI.

The FBI DTIC in-service is oriented toward the development of a basic-level trainer in the area of LE protective tactics and arrest techniques. During the course, expanded DT concepts are covered and are reviewed and tested in practical and written examinations during the in-service.

This course is open to nonprobationary FBI SAs and FBI police officers. Employees permanently assigned to TD with a designated health and fitness instructor (HFI) status also qualify to attend the DTIC course.

This training focuses on all aspects of "use of force." The training also instructs DTIC course candidates on legal issues with use-of-force and instruction methodology.

To maintain instructor status, DTIs must instruct at least two documented DT training sessions per year.

A DTI must achieve a passing score on the SA PFT each year. If a DTI fails to achieve a passing score, the DTI certification will be suspended for up to one year from the recorded PFT failure date. The DTI certification will be restored once the PFT is passed.

If the DTI does not pass the PFT within one year of the recorded PFT failure date, the DTI certification will be revoked.

A DTI certification expires upon transfer to a non-LE or non-HFI status or upon separation or retirement from the FBI.

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Failure to comply with instructor qualification requirements will result in the loss of current status.

4.3.1. Administration of Defensive Tactics Instructor Certification Training

Enrollment in DTIC in-service will be based upon FBIHQ/FO requirements and FBI DT program needs, as determined by PTU.

Requests to attend DTIC training must be submitted via FBI Virtual Academy (VA). Individuals nominated for the training must have supervisor approval and must ensure that their enrollment requests are entered into VA by the close of business on the date set forth by PTU in order to be approved by PTU.

Once selected to attend the DTIC in-service, students will be notified via electronic mail (e-mail) by the PTU DT PM. The travel request number (TR#) for the in-service will be posted on VA as soon as it is assigned.

PTU personnel must provide additional instructions to students via ECs and/or e-mail, as needed.

Upon completion of the DTIC in-service, applicable PTU personnel must document course participation and evaluations via ECs to the DT control file

Supporting documentation must include course agenda, student roster, verification of graduation via VA, course evaluations, and copies of attendees' certificates of completion.

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4.3.2. Defensive Tactics Instructor Certification Training Requirements

All applicants for the DTIC must be able to pass the FBI SA PFT requirements for their ages and genders based upon the current FBI SA PFT scoring scale.

4.3.2.1. Defensive Tactics Instructor Certification Exam

At the end of the training, attendees will be given a written exam and a practical exam, and they must successfully pass both to graduate. The written exam will cover the material provided during the course. The passing score must be 85 percent or greater. The practical exam passing score must be 85 percent or greater. The 85 percent passing score is based on minimally acceptable standards for a participant to successfully continue as a qualified DTI.

In the event that an attendee fails to meet the minimum requirements of an exam, he or she will be afforded remedial training and retested up to a maximum of three times within 30 days.

4.3.3. Defensive Tactics Instructor Recertification Requirements

A DTI must attend a Defensive Tactics Instructor Recertification (DTIR) course at least once every five years. If an instructor fails to recertify within the five-year period, he or she will no longer be certified as a DTI. However, exemptions will be considered by PTU if funding is not available to support one or more DTIR courses.

An instructor whose certification has expired may reenter the program, with the concurrence of PTU, by successfully completing a DTIC.

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FBI supervisory special agents (SSA) transferring out of PTU are considered recertified for a period of five years starting on their last official day of assignment to PTU.

DTIs must, on an annual basis, participate in, and achieve passing scores on, the FBI SA PFTs in order to maintain their certifications.

4.4. Medical Mandates

FBI SAs and FBI police officers placed on medical mandates by FBIHQ must be afforded opportunities to participate in DT training.

An FBI SA or an FBI police officer on a medical mandate must be permitted to participate in DT training, provided that the FBI SA's or FBI police officer's evaluating physician is fully familiar with the FBI SA's or FBI police officer's condition and is aware of the nature of DT training.

The physician must furnish a written statement that such participation would be neither injurious to the FBI SA's or FBI police officer's health nor dangerous to others. (See the *Fitness-for-Duty Program Policy Directive and Policy Guide*, 0735DPG.)

In instances where the evaluating physician does not certify the FBI SA or FBI police officer to participate in training, the training is not required.

FBI SAs and FBI police officers must resume participation in quarterly DT training once they receive written clearances from their physicians and once their medical mandates have been lifted.

5. Summary of Legal Authorities

- Title 5 Code of Federal Regulations (CFR) Section (§) 410.201, Responsibilities of the Head of an Agency
- 5 CFR Part 410 Subpart C, Establishing and Implementing Training Programs, § 410.301
- 5 CFR § 410.701, Reports
- Executive Order (EO) 13111, *Using Technology to Improve Training Opportunities for Federal Government Employees*
- EO 11348, *Providing for the Further Training of Government Employees*
- Department of Justice (DOJ) Order 1200.1, *Human Resources*, Part 5 Chapter 1, “Training and Development”

6. Recordkeeping Requirements

6.1. Specific Requirements for Recording Defensive Tactics Training Compliance

- PDTIs (or their designees) must submit annual ECs documenting the quarterly DT trainings provided throughout the FY and the certification status of each DTI.
- Each EC must include the name(s) of any FBI SAs or FBI police officers who did not participate in four DT training sessions during the FY and the reason(s) for nonparticipation.
- Each EC must be addressed to the PDTIs' FBIHQ division/FO heads and the DT PM and must be serialized to Sentinel file number

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6.2. Records of Certified FBI Defensive Tactics Instructors

The DT PM must maintain active certification records of currently certified FBI DTIs.

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Appendix A: Final Approvals

POLICY TITLE: <i>Defensive Tactics Policy Guide</i>	
Date of Last Renewal	N/A
Publish Date	2016-05-18
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APPROVALS	
Sponsoring Executive Approval	Mark Morgan Assistant Director Training Division
Final Approval	Valerie Parlave Executive Assistant Director Human Resources Branch

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Appendix B: Sources of Additional Information

- TD PTU Intranet site
- *Fitness-for-Duty Program Policy Directive and Policy Guide*, 0735DPG
- *Domestic Investigations and Operations Guide* [DIOG]

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General Information

Questions or comments pertaining to this policy guide can be directed to:

Federal Bureau of Investigation Headquarters, Training Division

Division point of contact: Physical Training Unit,

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Supersession Information

This document supersedes the *Defensive Tactics Policy Directive and Policy Guide* (0730DPG).

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Appendix F: (U) Authorized Field SWAT Weapons

(U) Current list of Bureau approved weapons acquired specifically for SWAT operations:

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(U) General Information

(U) Questions or comments pertaining to this policy guide can be directed to:
FBIHQ/CIRG

(U) Division Point of Contact: Tactical Section (TS), SWAT Operations Unit (SOU)

[REDACTED]

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(U) Supersession Information

(U) Document supersedes:

(U) Manual of Investigative Operations & Guidelines Part II, Sections 30-3.6 through 30-3.12 and Section 12-14.2 through 12-14.7

(U) Electronic Communication dated 10/01/2004, Case ID: [REDACTED]
RE; Basic Field SWAT Syllabus Individual Training Summary

(U) Electronic Communication dated 10/24/2006, Case ID: [REDACTED]
RE; SWAT Firearms Matters

(U) Electronic Communication dated 08/15/2006, Case ID: [REDACTED]
RE; SWAT Matters – Administrative Policy and Procedures, Budget Execution and
Purchasing Policy

(U) Electronic Communication dated 08/03/2010, Case ID: [REDACTED]
[REDACTED] RE; SWAT Reporting Requirements to SIOC

(U) Electronic Communication dated 01/29/2010, Case ID: [REDACTED]
RE; Mandatory Utilization of The TRMS System

(U) Electronic Communication dated 09/13/2010, Case ID: [REDACTED] Serial RE:
SWAT Program Reorganization

(U) Policy Notice 0204N, “Deployment of MRAP Armored Vehicles in the Absence of
Federal Jurisdiction,” effective 03/19/2010

(U) Policy Notice 0287N, “Interim Policy for SWAT Operations – Fast Roping.”
effective 03/18/2010

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(U) DIOG Provision

(U) No policy or PG may contradict, alter or otherwise modify the standards of the DIOG. Requests for DIOG modifications can be made to the Internal Policy office (IPO) pursuant to DIOG Section 3.2.2 paragraphs (A), (B), (C) and (D).

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1. (U) Introduction

(U) The FBI Special Weapons and Tactics (SWAT) Program, established in 1973, is based on the premise that a select group of highly motivated and well-conditioned special agents (SA), specially equipped and trained to function as a team, can greatly reduce the risks associated with handling unusually dangerous raids, arrests, search warrants, and rescues and increase the options available to the on-scene commander (OSC) in dealing with critical incidents. This concept is based on responsibilities and authorities given to the FBI by statute and presidential directive to maintain a national, tiered tactical response capability to address current and emerging criminal and terrorist threats to the United States.

(U) **Link to Policy:** [Policy Directive 0444D](#)

(U) **Purpose:** This policy guide (PG) provides guidance for the selection, training and operation of SWAT Teams and provides procedures, protocols, and responsibilities for the FBI's SWAT Program.

(U) **Intended Audience:** FBIHQ and field office personnel assigned to SWAT or likely to supervise, request, or work with SWAT.

2. (U) Roles and Responsibilities

2.1. (U) Critical Incident Response Group (CIRG), Tactical Section (TS)

(U) The Critical Incident Response Group's (CIRG) Tactical Section (TS) maintains operations and oversight for the FBI's tactical response component, consisting of the Hostage Rescue Team (HRT), the FBI's 56 field SWAT teams, the Operations and Training Unit (OTU), the Tactical Helicopter Unit (THU), the Tactical Support and Intelligence Unit (TSIU), the Crisis Negotiation Unit (CNU) and the SWAT Operations Unit (SOU). TS' primary goals are to:

- (U) Provide safe and effective tactical operations for all facets of FBI investigative and intelligence activities, and crisis response and law enforcement assistance using a tiered integration of field and national tactical assets.
- (U) Integrate the FBI's tactical response assets to address current and emerging terrorist and criminal threats in furtherance of strategic policies and directives through the use of state-of-the-art tactics, techniques and procedures.
- (U) As a force multiplier, enhance the FBI's worldwide intelligence collection, investigative and crisis response capability while appropriately leveraging other government capabilities.

2.1.1. (U) SWAT Operations Unit (SOU)

(U//~~FOUO~~) The SOU provides national program management of the FBI's field SWAT program. Program management includes:

- (U//~~FOUO~~) Training and certification of FBI SWAT teams.
- (U//~~FOUO~~) Standardization of SWAT tactics, techniques, and procedures.
- (U//~~FOUO~~) Planning assistance and oversight during multiple-office SWAT deployments.
- (U//~~FOUO~~) Development of a training curriculum.
- (U) Management of the SWAT budget.
- (U//~~FOUO~~) Managing development, maintenance, and implementation of SWAT policy.
- (U//~~FOUO~~) Managing research, development, and procurement of equipment, technology, standards, and procedures for the field SWAT program.
- (U//~~FOUO~~) Providing quality control and standardization of training through the Training Resource Management System (TRMS).

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2.2. (U) Field Offices

2.2.1. (U) Assistant Director in Charge (ADIC)/Special Agent in Charge (SAC) or Designee

(U) Each ADIC/SAC must appoint a SWAT Coordinator and a SWAT senior team leader (STL)¹. The ADIC/SAC head may delegate the on-scene commander authority to the SWAT coordinator.

2.2.2. (U) On-Scene Commander (OSC)

(U//~~FOUO~~) Operational and administrative control of SWAT teams during a crisis operation resides with the FBI OSC. The FBI OSC employs crisis management components and has direct management responsibility and operational control of those components. The OSC must determine the overall strategy for responding to and/or resolving a crisis incident.

(U//~~FOUO~~) The OSC commands all crisis management component assets, such as a Tactical Operations Center (TOC), surveillance teams, crisis negotiation teams, and SWAT electronic technicians, to resolve the crisis. The OSC must prepare and implement an appropriate command, control and communications (C3) plan.

(U//~~FOUO~~) The OSC should typically be the ADIC/SAC, Assistant Special Agent in Charge (ASAC), or the SWAT coordinator within the affected field office [REDACTED]

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(U//~~FOUO~~) The OSC should be located at the Joint Operations Center (JOC), command post (CP) or Tactical Operations Center (TOC), [REDACTED]

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2.2.3. (U) SWAT Coordinator

(U//~~FOUO~~) The SWAT coordinator is responsible for providing oversight and supervision for the SWAT program in the field office, and for ensuring SWAT policy is carried out. The SWAT coordinator must be a supervisory special agent. The SWAT coordinator is responsible for maintaining familiarity with SWAT capabilities and policies and advising the OSC. If delegated, the SWAT coordinator may perform the role of the OSC. The SWAT coordinator is the SWAT representative to the OSC during SWAT operations.

(U//~~FOUO~~) The SWAT coordinator, if not designated as the OSC, must be present with the OSC as the SWAT representative during operations.

(U//~~FOUO~~) The SWAT coordinator is responsible for documenting each team member's participation in SWAT training by using the tactical agent critical element in the FBI Performance Appraisal System.

¹ For the remainder of this PG, the term STL refers to the field office TL or STL.

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(U//~~FOUO~~) The SWAT coordinator should be an experienced SWAT or Hostage Rescue Team (HRT) operator and must possess a good working knowledge of basic tactical concepts. The SWAT coordinator may not currently be a member of the field office SWAT team.

2.2.4. (U) SWAT Senior Team Leader (STL)

(U//~~FOUO~~) Each SWAT team must be directed by a SWAT STL selected by the ADIC/SAC from among the primary members of that division's SWAT teams. If an office has more than one team, an STL is responsible for managing all SWAT teams within the office. STLs are appointed by the ADIC/SAC and should be located in the headquarters city if possible.

(U//~~FOUO~~) The STL must be an experienced and certified SWAT, or HRT, operator. See section 3.5.2 for more details on certification.

(U//~~FOUO~~) [REDACTED]
[REDACTED]
(U//~~FOUO~~) [REDACTED]
[REDACTED]
(U//~~FOUO~~) [REDACTED]
[REDACTED] (see Section 3.7.7).

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2.2.5. (U) Medical Care Provider

(U) Each field office SWAT team with a funded staffing level (FSL) of [REDACTED] must have at least one SA or pre-hospital (on scene/en route) medical care provider trained and certified as an Emergency Medical Technician (EMT)-Basic, as defined by the FBI Emergency Medical Support Program (EMSP), Health Care Programs Unit (HCPU), Office of Medical Services, Human Resources Division. SWAT Teams with an FSL of [REDACTED] must have [REDACTED] trained personnel.

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(U) Designated SWAT Team EMSP operators provide medical treatment and practice under the direction of the FBI EMS medical director according to the procedures specified in the Emergency Medical Support Program Corporate Policy Directive and Policy Implementation Guide (0683DPG) and the FBI Emergency Medical Support Program Pre-Hospital Protocol. The EMSP PG describes roles and responsibilities, concepts of operation, training requirements, credentialing, and recordkeeping requirements associated with health services during tactical operations.

(U) The EMSP is supervised by an FBI medical officer designated as the medical director of the program.

(U) One SA trained and certified as an FBI EMSP EMT-Basic or other pre-hospital medical care provider [REDACTED] Every SWAT Team EMSP operator must be thoroughly familiar with the EMSP PG and other Pre-Hospital Protocol.

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3. (U) Policies and Procedures

3.1. (U) Organization of Field SWAT Teams

3.1.1. Size of the SWAT Team

~~(U//FOUO)~~ Each FBI field office must have a SWAT team. The teams vary in size, depending upon the field office's geographical area covered, population density, and the potential for violent crime or terrorism within its jurisdiction. The minimum full staffing level (FSL) of primary SWAT teams is operators. Additionally, the enhanced district teams (see appendix D of this PG) have been configured to provide operational support to field offices within their geographic districts. Enhanced teams are prepared

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3.1.2. Increase to SWAT Team

~~(U//FOUO)~~ The FSL of field SWAT Teams may be modified, where there is no overall increase in field-wide FSL, by the SOU unit chief (UC), based upon a recommendation from the ADIC/SAC and supported by documented justification. A field-wide increase in FSL will not be authorized unless additional funding is allocated by FBIHQ to support the SWAT program. The FSL of field office SWAT teams may be increased using FBIHQ divisional funding and FSL with the approval of the FBIHQ AD losing the FSL. SOU supports all SWAT team members with training and to the extent possible, those over FSL with equipment. The field office must support SWAT personnel above their FSL with funding, including for equipment not provided by SOU and with the concurrence of SOU UC.

3.1.3. District/Regional Field SWAT Assignments

~~(U//FOUO)~~ The field is divided into eight districts, which have been further subdivided into 16 regions. Each district contains regions, and each region contains offices.

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~~(U//FOUO)~~ Any field office facing an operation exceeding its capabilities or requiring specialized equipment may contact teams within its region and SOU for assistance. Field offices may also request national tactical assets from HRT (also see Hostage Rescue Team Policy Guide [HRT PG]). The districts and regions have been structured as indicated in the district table (located in Appendix D in this PG), with the primary SWAT complement designated in parentheses.

3.1.4. District/Regional SWAT Deployment

~~(U//FOUO)~~ SWAT team deployment within a region or district must be approved by the requesting office ADIC/SAC with SOU concurrence. The field office assistant special agent in charge (ASAC) may approve such a request only if the ADIC/SAC is unavailable and there are exigent circumstances involving a crisis response requiring

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multiple SWAT teams' immediate deployment. The responsible ADIC/SAC or ASAC must promptly designate an STL as the overall tactical commander and ensure the chain of command is clearly articulated. When HRT is operationally deployed, the CIRG TS section chief or assistant section chief is designated as the overall tactical commander and reports directly to the field office OSC.

(U//~~FOUO~~) The SOU and HRT Operations and Training Unit (OTU) provides planning and oversight during deployments of HRT and, when appropriate, FBI SWAT teams. Whenever regional or district assets are requested, SOU must be notified as soon as possible of the critical incident by the field office. SOU must determine whether its personnel will be deployed in support of the critical incident. As a general rule, [REDACTED]

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3.2. (U) Use of SWAT

3.2.1. (U) Assessment of Risk

(U//~~FOUO~~) In an operation, arrest, search warrant or other situation posing a higher-than-normal risk, SWAT teams are used to reduce the risk to agents, subjects and other persons.

(U//~~FOUO~~) The ADIC/SAC or OSC must determine whether a given situation presents a "higher-than-normal risk," based upon an assessment of the following factors:

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

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

3.2.2. (U) Required SWAT Team Use

(U//~~FOUO~~) SWAT team use is mandatory when a proposed operation involves [REDACTED] the following hazardous situations:

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

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

(U//~~FOUO~~) SWAT team use is also mandatory when a proposed operation involves [REDACTED] the following hazardous situations:

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

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3.2.2.1. **(U) Notification to SWAT Team Leader**

~~(U//FOUO)~~ If a proposed operation involves [REDACTED] hazards in the list immediately above, the substantive squad must notify the SWAT STL of the operation and hazards. The squad and SWAT STL must discuss the operation and determine whether there is a need for SWAT involvement. If the squad and SWAT STL do not agree, the ADIC/SAC must decide if SWAT will be used.

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3.2.3. **(U) Use of Other Agency Team(s)**

(U) If SWAT team use is required under Section 3.2.2 in an FBI investigation, or pursuant to section 12 of the DIOG, only FBI SWAT teams may be used unless SOU concurs in the use of another agency's team.

3.2.4. **(U) Assistance to State, Local, and Tribal Agencies**

(U) SWAT teams may assist when a federal nexus is present, as discussed in Section 3.2.4.1 below. SWAT operators possess special skills and knowledge which are not possessed routinely by law enforcement officers. Accordingly, pursuant to DIOG, Section 12, under certain circumstances SWAT teams may assist state and local law enforcement in the absence of a federal nexus, as discussed in Section 3.2.5 below.

3.2.4.1. **(U) Federal Nexus**

(U) FBI field SWAT teams and SWAT resources may be deployed to assist state, local and tribal law enforcement organizations when those law enforcement organizations are investigating matters which may also involve violations of federal law or present a threat to national security. In such circumstances the existence of a federal nexus provides a basis for deploying federal resources.

3.2.5. **(U) Absence of Federal Nexus**

~~(U//FOUO)~~ In the absence of federal jurisdiction or a federal nexus, FBI SWAT teams may assist state, local and tribal law enforcement organizations only in limited

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circumstances. See DIOG, Assistance to Other Agencies. The following conditions must be met in order to deploy FBI SWAT teams when no federal nexus exists:

3.2.5.1. (U) Request

~~(U//FOUO)~~ The chief (or designee) of a state, local or tribal law enforcement organization, or designee, must submit a written request, in any format, including electronic mail (e-mail), to the FBI ADIC/SAC, which:

- ~~(U//FOUO)~~ Identifies the situation for which SWAT assistance is requested.
- ~~(U//FOUO)~~ Specifies the existence of an imminent threat of death or serious injury to members of the public or law enforcement personnel, or a significant threat to public safety.

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

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~~(U//FOUO)~~ In situations requiring an immediate response, the request from state, local or tribal law enforcement organizations may be made orally, but must be subsequently confirmed in writing within five business days of the initial request.

3.2.5.2. (U) Criteria

(U) In addition to the above conditions, the FBI may provide assistance within the scope of this policy only when:

- (U) The requesting state, local or tribal law enforcement organization is acting in the lawful execution of an authorized function of that organization.
- (U) Deploying FBI SWAT team assets is appropriate and consistent with applicable law.
- (U) Deploying FBI SWAT teams is an appropriate use of personnel and financial resources.

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

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3.2.5.3. (U) Authorization

~~(U//FOUO)~~ Only the ADIC/SAC, which may include an acting ADIC/SAC, may authorize field office SWAT teams or SWAT team assets to assist state, local, or tribal law enforcement organizations when no federal nexus exists. The CDC must review the request and conclude that providing the requested assistance is consistent with sections 3.2.5.1 and 3.2.5.2 and does not create a significant risk of civil liability to the FBI or an individual employee. If the CDC assesses that the assistance will create a substantial risk of civil liability, the CDC must consult with the Investigative Law Unit (ILU) prior to approving the request. See DIOG, Assistance to Other Agencies. SWAT assistance in situations not meeting the criteria in section 3.3.5.2 of this PG must be approved by the section chief, CIRG Tactical Section (TS) or higher and the General Counsel. When the SAC authorizes FBI Field SWAT team assistance, the FBI SWAT STL must determine

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what SWAT team elements and equipment are necessary to successfully complete the mission. The SWAT coordinator or FBI SWAT STL must coordinate with the requesting authority. In addition to the above-required approvals, any investigative assistance provided to a state, local, or tribal law enforcement agency involving a sensitive investigative matter (SIM) requires notification to FBIHQ. See DIOG, Assistance to Other Agencies.

3.2.6. (U) Order of Attorney General

~~(U//FOUO)~~ FBI field SWAT teams may also assist state, local, and tribal law enforcement organizations when the Attorney General has approved a request from the governor of a state to assist law enforcement organizations in the task of restoring and/or maintaining order in accordance with 42 U.S.C. § 10501.

3.2.7. (U) Execution of State, Local or Tribal Process

~~(U//FOUO)~~ In situations where state, local or tribal process is executed, a duly authorized state, local or tribal officer must be present during the execution of process to ensure compliance with state, local, or tribal law.

3.2.8. (U) Crowd Control Operations

~~(U//FOUO)~~ FBI Field SWAT teams must not be used for the **sole** purpose of assisting federal, state, local or tribal law enforcement organizations in crowd control operations.

3.2.9. (U) FBI Deadly Force Policy

(U) The use of deadly force by SWAT personnel is governed by the DOJ Deadly Force Policy (see Appendix F of the DIOG) which is the same policy that is applicable to all FBI SAs.

3.3. (U) Rehearsals and Brief-Backs

~~(U//FOUO)~~ If time and circumstances permit, an inspection of personnel and rehearsal of the tactical plan must be conducted before any SWAT plan is executed. Brief-backs (an oral review of the operations plan including roles and responsibilities) must be conducted with all key leaders and personnel, absent exigent circumstances. When time allows, a rehearsal site should be constructed and used. A table-top-exercise (TTX) using a dry-erase board or sand table is permissible in a compressed planning sequence.

3.4. (U) Use of Body Armor

~~(U//FOUO)~~ During every planned SWAT operation, SWAT personnel must wear FBI issued SWAT body armor. [REDACTED]

[REDACTED] While conducting live fire training in shoot houses, SWAT operators and instructors must wear [REDACTED]

~~(U//FOUO)~~ [REDACTED]
[REDACTED] justification for deviating from this policy must be articulated in the operations order and approved by the ADIC/SAC or OSC.

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3.5. (U) Qualifications for SWAT Team Members

(U) Section 3.6 of this PG has additional detail on the on the selection process and criteria for SWAT. The basic requirements are outlined below.

3.5.1. (U) Initial Requirements

(U) SWAT candidates must be:

- (U) Volunteers.
- (U) In excellent physical condition.
- (U) Emotionally stable.
- (U) Proficient in the use of firearms.
- (U//~~FOUO~~) Able to pass the SWAT Team Member Selection System (STMSS) process.
- (U) Selected for the SWAT team by a field office career board.

(U) It is also desirable, but not mandatory, that candidates have at least two years of experience in the field. Experience as a police officer, military service member, firearms instructor, and/or defensive tactics instructor are also desirable.

3.5.2. (U) Certification

(U//~~FOUO~~) This section of the policy guide was superseded by Use of Special Weapons and Tactics (SWAT) Senior Team Leaders and SWAT Agents Notice on October 02, 2015.

3.6. (U) Selection Process

3.6.1. (U) SWAT Team Member Selection System (STMSS)

(U//~~FOUO~~) SAs interested in joining a field office SWAT team must successfully complete the STMSS as detailed in the STMSS handbook. The STMSS is coordinated by SOU and administered in the field by SWAT STLs, assistant team leaders, or designees. The STMSS measures skills and abilities required for successful participation on a field SWAT team such as: firearms safety; physical fitness; effort and perseverance; ability to follow instructions; the ability to evaluate information and make judgments and decisions; the ability to work in dangerous environments; the ability to work well with others; the ability to communicate; the ability to prioritize, plan and organize; and knowledge of appropriate FBI operations and procedures. Field office team leaders or designees announce upcoming SWAT selection opportunities by EC to field office personnel. The EC must precede testing by at least 90 calendar days and must include the specific application procedures, time, date of testing, content of the STMSS, and scoring criteria.

3.6.2. (U) Selection

(U//~~FOUO~~) The names of all candidates who successfully complete the selection process must be presented to the field office career board. The career board is responsible for determining which candidates are most suitable and therefore accepted into the SWAT program.

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~~(U//FOUO)~~ Each field office conducting a SWAT selection must forward all documentation of the same to SOU. SOU is responsible for maintaining selection documentation and results for all field office SWAT teams, and must make it readily accessible to the Human Resources Division industrial psychologists for review and validation.

3.6.3. (U) Probationary Period

~~(U//FOUO)~~ Newly appointed SWAT team members must serve a probationary period of at least one year at the discretion of the STL or designee, as set forth in the STMSS handbook. The SWAT probationary period is another selection and training phase for new team members. SWAT probationary team members must be formally evaluated by the SWAT team leader a minimum of once every six months (preferably once every three months). Members must remain on SWAT probationary status if they are still on SA probation, even if all SWAT requirements have been satisfied. A probationary team member not meeting minimum requirements identified in Section 3.6 is subject to removal from the team by the STL, which will be documented via EC. The decision to remove the probationary team member must be based upon a totality of the circumstances surrounding the failure to meet minimum requirements, such as the operator's prior training and tactical experience, as well as other operationally or administratively relevant factors.

3.7. (U) Training

3.7.1. (U) SWAT Team Training and Operational Proficiency

~~(U//FOUO)~~ SWAT teams must conduct, at a minimum tactical training days and firearms training day per month. Enhanced teams must conduct a minimum of tactical training days and firearms training day per month. Training frequency (periodicity) must be conducted as per TRMS guidelines (see [Section 3.7.7](#)).

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~~(U//FOUO)~~ SWAT member responsibilities are tied to the FBI Performance Appraisal System under the tactical agent critical element. Each member's participation in SWAT training must be documented by the SWAT coordinator using the tactical agent critical element. A minimum of of each member's work hours must consist of SWAT training and operations. SWAT is an accountable duty tied to performance anchors.

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3.7.2. (U) Fitness Test

~~(U//FOUO)~~ SWAT members and probationary SWAT members must pass the SWAT performance standards test (PST), as detailed in the STMSS Handbook (available from SOU), a minimum of once a year. Absent a documented medical issue, a SWAT member who fails the SWAT PST must be placed back on SWAT probation and re-tested within

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~~(U//FOUO)~~ Absent a documented medical issue, the first failure of a PST by a probationary team member is grounds for removal, at the discretion of the STL. Absent a documented medical issue, the second failure of the PST by any team member within from the initial failure is also grounds for removal from the team, at the discretion

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of the STL. A third consecutive failure of the PST by any team member will result in automatic removal from the team.

(U//~~FOUO~~) The decision to remove the team member or probationary team member for failure of the PST must be based upon a totality of the circumstances. Factors to consider include the reason for failing the PST, the operator's prior training and tactical experience, and any other operationally or administratively relevant factors to include, but not limited to, the difficulty in replacing the operator, the team's ability to function without the operator, extended temporary duty (TDY) assignments, continued involvement in special cases and assignment as a case agent in a special or major investigation.

(U//~~FOUO~~) The decision to remove or not remove must be documented in an EC and placed in the field SWAT file.

(U//~~FOUO~~) The removal of a team member may be appealed to the field office ADIC/SAC within 30 days of notification of removal from the team. The decision of the ADIC/SAC shall be final.

3.7.3. (U) Firearms Qualifications

(U//~~FOUO~~) SWAT members must qualify once per quarter with a minimum score of [] with their primary handgun and rifle. SWAT STLs must use the SWAT Pistol Course (SWTPC) to qualify SWAT members with the handgun and the SWAT Carbine Course (SWTCC) for the rifle. When a SWAT member fails to qualify in a particular quarter, STL has the discretion to exclude the unqualified SWAT member from SWAT operations. Failure to attain a score of [] for any weapons qualification in two consecutive quarters is grounds for removal from the team, at the discretion of the STL. A third consecutive weapons qualification failure by any team member will result in automatic removal from the team.

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(U//~~FOUO~~) The decision to remove a team member must be based upon a totality of the circumstances surrounding the failure to achieve a passing score. Factors to consider include, the reason for failing the firearms qualification, the operator's prior training and tactical experience, and other operationally or administratively relevant factors to include, but not limited to, the difficulty in replacing the operator, the team's ability to function without the operator, extended TDY assignments, continued involvement in special cases and assignment as a case agent in a special or major investigation.

(U//~~FOUO~~) The decision to remove or not remove the team member must be documented in an EC and placed in the field SWAT file.

(U//~~FOUO~~) The removal of a team member may be appealed to the field office ADIC/SAC within 30 days of notification of removal from the team. The decision of the ADIC/SAC shall be final.

3.7.4. (U) Crisis Management Training

(U//~~FOUO~~) Each field office SWAT team must participate in a minimum of one annual crisis management field training full scale exercise (FTX FSE) which integrates negotiations and, if possible, []

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[] The ADIC/SAC or ASAC must personally participate in the FTX FSE.

3.7.5. (U) Observer/Sniper Training

(U//~~FOUO~~) Basic observer/sniper training consists of a [] certification course at the FBI Academy or at a location selected by SOU. There is no observer/sniper field certification program. Training frequency (periodicity) must be conducted according to TRMS guidelines, see section 3.7.7 below. Firearms qualification must be attained on a semi-annual basis per the FBI Sniper Qualification Course guidelines. The qualifying score is [] for the Sniper Qualification Course. Sniper training and qualification scores must be maintained by each individual sniper in his or her *Sniper Data Book*. The *Sniper Data Book* is provided to each sniper by SOU at the beginning of basic observer/sniper training.

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3.7.6. (U) Training Materials

(U//~~FOUO~~) SWAT training and tactics guidelines are derived from a series of mission essential task lists (METL). Training materials include TRMS lesson plans, the *SWAT Lesson Plan Manual* and *SWAT Team Leader Handbook* (available from SOU). These materials are designed to standardize the tactics, techniques, procedures and METLs employed by the SWAT program.

3.7.7. (U) Training Resources and Management System (TRMS)

(U//~~FOUO~~) TRMS is an automated training tool based upon core skill sets. It is intended to facilitate training time management and assess training requirements for those who are involved with and oversee field SWAT. TRMS is designed to provide SWAT STLs, SWAT coordinators and field office executive management a tool for the administration and oversight of their SWAT teams. It assists managers in assessing how well trained and equipped their organizations are and assists in generating objective training prioritization ratings and equipment status.

(U//~~FOUO~~) TRMS is designed to give a structured, standardized approach to the SWAT team training that facilitates interoperability within field SWAT teams. TRMS allows the STL, SWAT coordinator, and division executive management to assess unit and individual training and staff proficiency. It assists management in prioritizing training, and managing personnel. TRMS must also be used to []

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[]
[] TRMS is home to []
[]
[] TRMS provides easy access to teaching tools and facilitates standardization and training protocols to the entire FSP.

(U) Use of TRMS by SWAT teams is mandatory. SWAT STLs must use TRMS to document all SWAT training, operations, attendance, and personnel as outlined above.

3.8. (U) Field SWAT Funding

(U) Funds are made available to each field office by SOU. These funds are for the purchase of SWAT supplies and equipment for use in support of the SWAT program. Field office SWAT teams are authorized to use funds from the Field SWAT account. The field SWAT account must be used only for the purchase of supplies and equipment for SWAT teams and is controlled by SOU. All funding actions must be approved, verified,

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and reconciled by SOU. SWAT funding cannot be transferred directly between field offices. The field office SWAT funding will be loaded into an Internal Purchase Order (IPO) System.

3.9. (U) Fire Discipline

~~(U//FOUO)~~ SWAT teams must manage deadly confrontations with weapons fire discipline. Significant fire discipline must be emphasized during initial SWAT training and throughout field training. Non-SWAT personnel at the scene of an operation must be thoroughly briefed by the SWAT STL concerning the Operations Order (OPORDER) and roles and responsibilities to minimize the risk of friendly fire.

~~(U//FOUO)~~ The OSC must ensure all personnel involved in the operation are present for briefings and have the opportunity to observe one another prior to the commencement of the operation. All personnel involved must be clearly identified by law enforcement agency markings and insignia.

(U) The use of deadly force by SWAT personnel is governed by the DOJ Deadly Force Policy, which is applicable to all SAs. See Appendix F of the DIOG.

3.10. (U) [REDACTED]

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

3.10.1. (U) [REDACTED]

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

• ~~(U//FOUO)~~ [REDACTED]

• ~~(U//FOUO)~~ [REDACTED]

(U) [REDACTED]

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

3.10.2. (U) [REDACTED]

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

- (~~U//**FOUO**~~) [REDACTED]

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- (~~U//**FOUO**~~) [REDACTED]
- (~~U//**FOUO**~~) [REDACTED]
- (~~U//**FOUO**~~) [REDACTED]

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

3.11. (U) Use of Chemical Agents

(~~U//**FOUO**~~) The use of chemical agents by FBI SWAT teams (except for oleoresin capsicum [OC] aerosol spray canisters) must be authorized by the OSC. [REDACTED]

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(~~U//**FOUO**~~) Chemical agent projectiles are considered to be a use of deadly force when fired directly at a person.

(~~U//**FOUO**~~) The only chemical agents authorized for use by FBI SWAT are:

- (~~U//**FOUO**~~) Orthochlorobenzalmalononitrile (CS)
- (~~U//**FOUO**~~) Oleoresin capsicum (OC)

3.11.1. (U) Chemical Agents Guidelines for FBI SWAT

(~~U//**FOUO**~~) Properly used, the chemical agents issued by the FBI will not cause long-term incapacitation. Any chemical agent used must be authorized by the OSC (except for OC aerosol spray canisters) and it must be used in accordance with the Less Lethal Devices Policy Directive and Policy Guide. SWAT teams must adhere to the following guidelines:

- (~~U//**FOUO**~~) [REDACTED]

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- (~~U//**FOUO**~~) Ensure after-care for team members who have had contact with CS or OC, including exposure to fresh air, washing affected areas with soap and cold water, and refraining from rubbing the eyes.
- (~~U//**FOUO**~~) Replace or remove clothing exposed to chemical agents, especially during transport of exposed subjects or injured persons, to avoid the contamination of others. Exposed clothing may retain the chemical agent particles for long periods of time. Air movement may cause the chemical agent particles to release from the contaminated clothing.
- (~~U//**FOUO**~~) Seek medical attention for anyone who has been exposed to chemical agents and experiences difficulty breathing, eye inflammation or a skin rash.

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- (U) Store chemical agents in a cool dry area. Do not store chemical agents in vehicles for long periods of time, or for any period of time in an unattended and unlocked vehicle.
- (~~U//FOUO~~) Replace expired chemical agent munitions. Expired items may be used for training purposes.

See Appendix F of the DIOG for additional details on the use of deadly force, the use of less than lethal force.

3.11.2. (U) **Authorized Chemical Agent Munitions and Delivery Systems**

(~~U//FOUO~~) The following chemical agent munitions and delivery systems are authorized for use by FBI SWAT:

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

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

(U) When deploying chemical agent munitions, protective masks should be worn when entering the contaminated area.

(U) [redacted] b7E

[redacted]

(~~U//FOUO~~) [redacted] inert rounds are approved for training. b7E

3.12. (U) [REDACTED]

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

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

3.12.1. (U) [REDACTED]

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

3.13. (U) Use of Helicopters for SWAT Operations and Training

(U//~~FOUO~~) Policy regarding the use of all FBI [REDACTED] helicopters is covered generally in the Bureau Aviation Regulations (BAR) and the HRT PG. The remainder of section 3.13 and section 3.14 provide additional guidance which pertains specifically to SWAT personnel.

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3.13.1. (U) Vertical Insertion Policy

3.13.1.1. (U) Personnel and Situations Authorized

(U) Fast roping is a technique during which operators slide down a specifically designed rope in order to transfer from a helicopter to the ground, while the helicopter maintains a hover. [REDACTED]

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

(U) [REDACTED]

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

-
- ~~(U//FOUO)~~
 - ~~(U//FOUO)~~

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3.13.1.2. (U) Qualifications for Vertical Insertion

~~(U//FOUO)~~ Initial requirements for SWAT personnel:

- ~~(U//FOUO)~~ Pass the SWAT PST
- ~~(U//FOUO)~~
- ~~(U//FOUO)~~
- ~~(U//FOUO)~~
- ~~(U//FOUO)~~

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~~(U//FOUO)~~ SWAT personnel must complete fast rope training to maintain qualification

(U) TS personnel must follow HRT currency guidelines.

3.14. (U) Transporting SWAT

3.14.1. (U) Pilot in Command

~~(U//FOUO)~~ When using helicopters for SWAT transportation, the pilot in command (PIC) must adhere to all Bureau aviation policies concerning helicopter use. Helicopters that require two pilots will have a designated PIC and co-pilot. The PIC is responsible for assuring the safety of flight. If crew members become aware of any safety violation, or are requested to perform a task which exceeds the capability of the helicopter or the PIC, they must terminate flight operations until the safety violation is rectified.

3.14.2. (U) Safety

~~(U//FOUO)~~ Safety is the primary consideration when transporting SWAT personnel by helicopter. Each occupant of the aircraft must be secured to the aircraft by a tactical

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section-approved seat belt or safety line prior to takeoff and while the aircraft is airborne.

[REDACTED]
[REDACTED] With the exception of United States military and United States Coast Guard (USCG) helicopters, which include an on-board aircrewman possessing the occupational specialty designation of Helicopter Crew Chief (HCC), the use of helicopters for the transportation of FBI personnel must be coordinated by a certified Tactical Air Officer (TAO) or certified Tactical Crew Chief (TCC).

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3.14.3. (U) Control of Passengers

(U//~~FOUO~~) SWAT members being transported by helicopter are under the command of the United States military or USCG HCC, or the FBI TAO or TCC. The HCC, TAO, or TCC located in the helicopter is responsible for the safety and security of all equipment (including ropes, lanyards and safety devices) and personnel prior to, and during, each flight. The HCC, TAO or TCC must ensure that all [REDACTED] are secured and properly stored; and that all passenger weapons are safe. Handguns must be holstered and secured and rifles must have an empty chamber with the muzzles pointing down toward the floor of the helicopter unless directed otherwise by the PIC.

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3.14.4. (U) Insertions and Extractions of Passengers

(U//~~FOUO~~) During passenger insertions or extractions, the pilot flying the aircraft must take direction from the HCC, TAO, or TCC to assist with positioning of the aircraft over the designated area. The PIC is responsible for identifying to the HCC, TAO, or TCC which pilot is in control of the aircraft. [REDACTED]
[REDACTED]

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3.14.5. (U) Landing Zone (LZ) Selection

(U//~~FOUO~~) In a training environment, the area to be used for insertion must be [REDACTED]
[REDACTED]
[REDACTED]

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[REDACTED] and provide limited weather information including wind, velocity and direction. The PIC is the final authority on an LZ's suitability for use. Operationally, LZ selection will be left to the discretion of the PIC.

3.14.6. (U) Passenger Safety Briefings

(U) Prior to each helicopter operation, the aircraft PIC and the HCC, TAO or TCC must conduct a passenger safety briefing. Safety briefings must cover the following:

- (U) [REDACTED]
- (U) [REDACTED]
- (U) [REDACTED]
- (U) [REDACTED]

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

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

3.16. (U) Weapons of Mass Destruction (WMD)/Hazardous Materials (HAZMAT)

(U) The FBI SWAT Program is the only federal law enforcement program trained and equipped to respond to a tactical threat, arrest or search warrant in a contaminated environment.

3.16.1. (U) HAZMAT Equipment and Training

~~(**FOUO**)~~ SOU equips and trains all FBI SWAT members in order to certify them to perform their duties in a hazardous [REDACTED] environment. SOU operates under the Occupational Safety and Health Administration (OSHA) Standards for General Industry in establishing requirements for this certification. These standards are contained in Title 29 of the Code of Federal Regulations (CFR), Section 1910.120 (29 CFR 1910.120).

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3.16.2. (U) Responding to HAZMAT Situations

~~(U//**FOUO**)~~ When responding to WMD/HAZMAT situations, the mission of FBI SWAT teams is to perform tactical missions in a [REDACTED] environment using technical/tactical techniques unique to WMD operations. In addition, teams are prepared to address [REDACTED] hazards that terrorists or other criminals might employ, and to support the HRT in a WMD mission.

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3.16.3. (U) Suspected HAZMAT Situations

~~(U//**FOUO**)~~ For suspected WMD/HAZMAT situations where there is a potential for SWAT involvement, the division's WMD coordinator must contact the WMD Operations Unit (WMDOU) and the division SWAT coordinator. The division's SWAT coordinator or designee must contact CIRG SOU via SIOC, [REDACTED]

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3.16.4. (U) WMD SWAT Coordinator Responsibilities in a HAZMAT Situation

(U) Each division's SWAT coordinator is responsible for compliance with standards and procedural requirements. Such standards and requirements include:

- (U) Course Requirements:

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(U//~~FOUO~~) SWAT team members may not operate in a WMD/HAZMAT or chemical agent environment, or operationally don personal protective equipment (PPE), unless they have successfully completed the [REDACTED] WMD/HAZMAT Tactical Operations Course and a Respirator Fit Test in compliance with the FBI Respiratory Protection Program, as administered by the Occupational Safety and Environmental Program Unit (OSEP).

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- (U) Physical Requirements:

(U//~~FOUO~~) SWAT team members must maintain a current FBI physical with an FD-900 (Respirator Medical Evaluation Questionnaire) and a yearly Respirator Fit Test. Copies of these documents must be maintained by both the SWAT STL and SOU.

- (U) Required CIRG and ORS Involvement:

(U//~~FOUO~~) SWAT team members may not operate in a WMD/HAZMAT environment, or operationally don PPE, without the direction and coordination of CIRG and ORS, either in person or telephonically.

- (U) HAZMAT Officer Requirement:

(U//~~FOUO~~) SWAT WMD/HAZMAT operations may only be conducted with the on-scene coordination of a certified local, state, or federal HAZMAT officer or FBI HAZMAT officer. The division SWAT team coordinator or designee must designate one SWAT team member to act as safety officer to oversee the proper employment of HAZMAT safety equipment. SWAT team members engaged in a WMD/HAZMAT operation must use the "buddy system" when donning PPE/tactical gear.

- (U) Submission of Written OPORDER:

(U//~~FOUO~~) SWAT WMD/HAZMAT operations may only be conducted after the submission of a written OPORDER to the OSC.

- (U) Decontamination:

(U//~~FOUO~~) When possible, provisions for decontamination must be set up prior to any SWAT entry. [REDACTED]

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- (U) Personal Protective Equipment (PPE):

(U//~~FOUO~~) SWAT teams must not borrow, buy, or otherwise obtain or use PPE from any agency or vendor without prior SOU approval.

3.16.5. (U) Recertification Hours and Training

(U//~~FOUO~~) SWAT team members must complete and document yearly recertification hours and training as required by Title 29 Code of Federal Regulations (CFR) Section 1910.120 (29 CFR 1910.120). Title 29 CFR Section 1910.120 (q)(8)(i) provides, "[t]hose employees who are trained in accordance with paragraph (q)(6) of this section shall receive annual refresher training of sufficient content and duration to maintain their competencies, or shall demonstrate competency in those areas at least yearly."

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3.16.6. **(U) Documentation**

~~(U//FOUO)~~ Documentation of training and certification is required by 29 CFR 1910.120 (q) (8) (ii), which provides, "[a] statement shall be made of the training or competency, and if a statement of competency is made, the employer must keep a record of the methodology used to demonstrate competency." The STL must submit the documentation to CIRG via TRMS.

4. Summary of Legal Authorities

(U) Major unclassified legal authorities are listed below; certain classified authorities also exist and can be found on the Office of General Counsel Law Library intranet site.

(U) 18 USC § 3052: Powers of the Federal Bureau of Investigation.

(U) 18 USC § 3107: Service of Warrants and Seizures by the Federal Bureau of Investigation.

(U) 28 USC § 533: Investigative and Other Officials; Appointment.

(U) 28 USC § 534: Acquisition, Preservation, and Exchange of Identification Records and Information; Appointment of Officials.

(U) 42 USC § 3771: Training and Manpower Development.

(U) NSPD 41/HSPD 13: Maritime Operational Threat Response (MOTR) - FBI is the lead MOTR agency for investigations of terrorist acts, threats, and intelligence collection.

(U) NSPD 46/HSPD 15, Annex II: FBI has primary responsibility for the ground-based tactical response to aircraft hijackings and air piracy incident in the United States.

(U) NSPD 46/HSPD 15, Annex II: FBI has primary responsibility for finding and neutralizing WMD within the United States in response to information received through LE, intelligence, or other channels.

(U) NSPD 47: FBI shall have primary responsibility for the ground-based tactical response to aircraft hijackings and an air piracy incident in the United States.

(U) 28 CFR § 0.85 (a) and (e): General Functions of the Director of the Federal Bureau of Investigation.

(U) 29 CFR 1910.120: OSHA Standards for General Industry – Hazardous waste operations and emergency response.

(U) Attorney General's Guidelines for Domestic FBI Operations, Parts II, III and V.

5. (U) Recordkeeping Requirements

5.1. (U) Training Documentation

(U//~~FOUO~~) SWAT STLs must document training and operations in TRMS.

(U//~~FOUO~~) SWAT STLs must report annual [redacted] training certifications to SOU. When used operationally, the following must be reported to SOU:

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

(U//~~FOUO~~) The results of STMSS must be reported to SOU.

5.2 (U) Reporting SWAT Operations

(U//~~FOUO~~) The OSC/STL or designee responsible for the deployment of SWAT personnel/assets must provide immediate notification via e-mail or telephone call to the Strategic Information and Operations Center (SIOC) of all current or expected deployments of SWAT team and crisis negotiation personnel or assets. This notification also includes deployment of equipment and/or personnel in support of other federal, state, local, and tribal law enforcement operations. The OSC/STL or designee must also provide SIOC, via e-mail or telephone call, with a final disposition notification at the conclusion of each deployment.

5.3 (U) Operations Order

(U//~~FOUO~~) The SWAT teams and HRT must prepare an OPORDER Template (in lieu of an FD-888). The requirement for a written operations order is detailed in the DIOG Section 19 and in the OPORDER Template (also known as the Tactical Operations PowerPoint). SWAT teams and HRT must use the OPORDER template to prepare and brief the unit/element to conduct actions [redacted]

[redacted] The operations order must describe the situation facing the unit, the mission of the unit, and what actions and activities the unit will conduct to achieve success.

5.4 (U) Follow-up EC and FD-999 for Assistance Requested by Other Agencies

(U//~~FOUO~~) Within five business days after the completion of a deployment to assist another agency, the SAC must submit an electronic communication (EC) to the assistant director of CIRG under file [redacted] setting forth the details of the assistance provided. See DIOG, Assistance to Other Agencies.

(U//~~FOUO~~) Within five business days of SWAT assistance being provided to another agency, the SWAT Coordinator must complete and submit the required FD-999.

Appendix A: (U) Contact Information

CIRG/TS/SOU	
Unit Chief	
Address	FBI Academy Quantico, VA

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Appendix B: (U) Sources of Additional Information

(U) View the for additional information:

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(U) Emergency Medical Support Program Corporate Policy Directive and Policy Implementation Guide (0683PG)

(U) FBI Emergency Medical Support Program Pre-Hospital Protocol

(U)
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Appendix C: (U) Key Words and Acronyms

ADIC	Assistant Director in Charge
ASAC	Assistant Special Agent in Charge
BAR	Bureau Aviation Regulations
C3	Command Control and Communications
CFR	Code of Federal Regulations
CDC	Chief Division Council
CIRG	Critical Incident Response Group
CNU	Crisis Negotiation Unit
CP	Command Post
DoD	Department of Defense
DOJ	Department of Justice
EMSP	Emergency Medical Support Program
EMT	Emergency Medical Technician
FBI	Federal Bureau of Investigation
FBIHQ	FBI Headquarters
FSL	Funded Staffing Level
FSP	Field SWAT Program
FTX	Field Training Exercise
HAZMAT	Hazardous Material
HCC	Helicopter Crew Chief
HCPU	Health Care Programs Unit
HRT	Hostage Rescue Team

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JOC	Joint Operations Center
LZ	Landing Zone
METL	Mission Essential Task List
OC	Oleoresin Capsicum
OPORDER	Operational Order
ORS	Operation Response Section
OSC	On Scene Commander
OSEP	Occupational Safety and Environmental Program
OSHA	Occupations Safety and Health Administration
OTU	Operations and Training Unit
PG	Policy Guide
PIC	Pilot in Command
PPE	Personal Protective Equipment
PST	Performance Standards Test
SA	Special Agent
SABT	Special Agent Bomb Technician
SAC	Special Agent in Charge
SC	Section Chief
SIM	Sensitive Investigative Matter
SIOC	Strategic Information and Operations Center

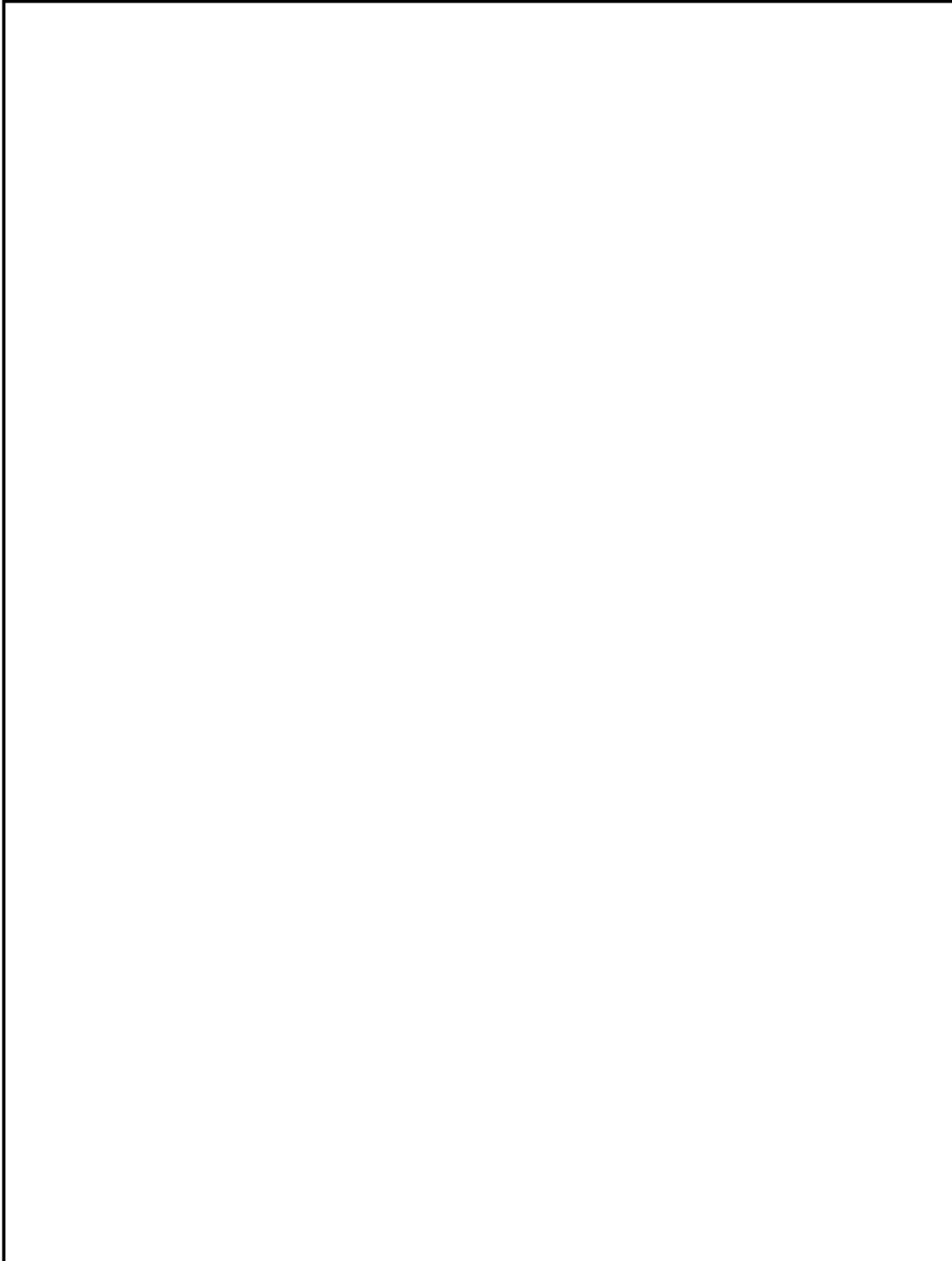
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SOU	SWAT Operations Unit
SOP	Standard Operating Procedure
SWTCC	SWAT Carbine Course
SWTPC	SWAT Pistol Course
STL	Senior Team Leader
STMSS	SWAT Team Member Section System
SWAT	Special Weapons and Tactics
TAO	Tactical Air Officer
TCC	Tactical Crew Chief
TDY	Temporary Duty
THU	Tactical Helicopter Unit
TOC	Tactical Operations Center
TRMS	Training Resources and Management System
TS	Tactical Section
TSIU	Tactical Support Intel Unit
TTX	Table Top Exercise
UC	Unit Chief
USCG	United States Coast Guard
WMD	Weapons of Mass Destruction
WMDOU	Weapons of Mass Destruction Operations Unit

Appendix D: (U) Field SWAT District/Regional Assignments

*** Indicates offices with enhanced SWAT teams.**

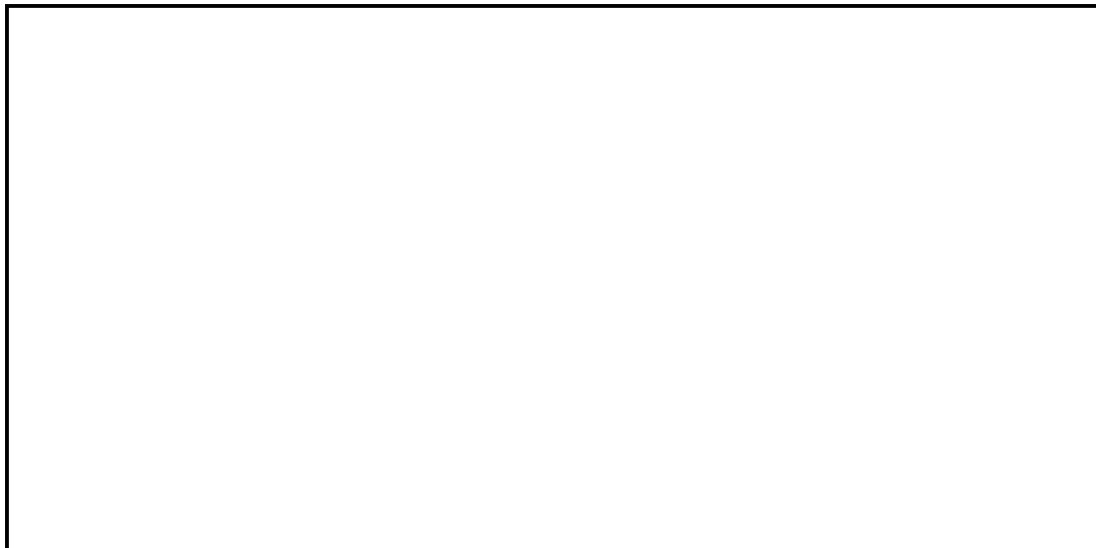
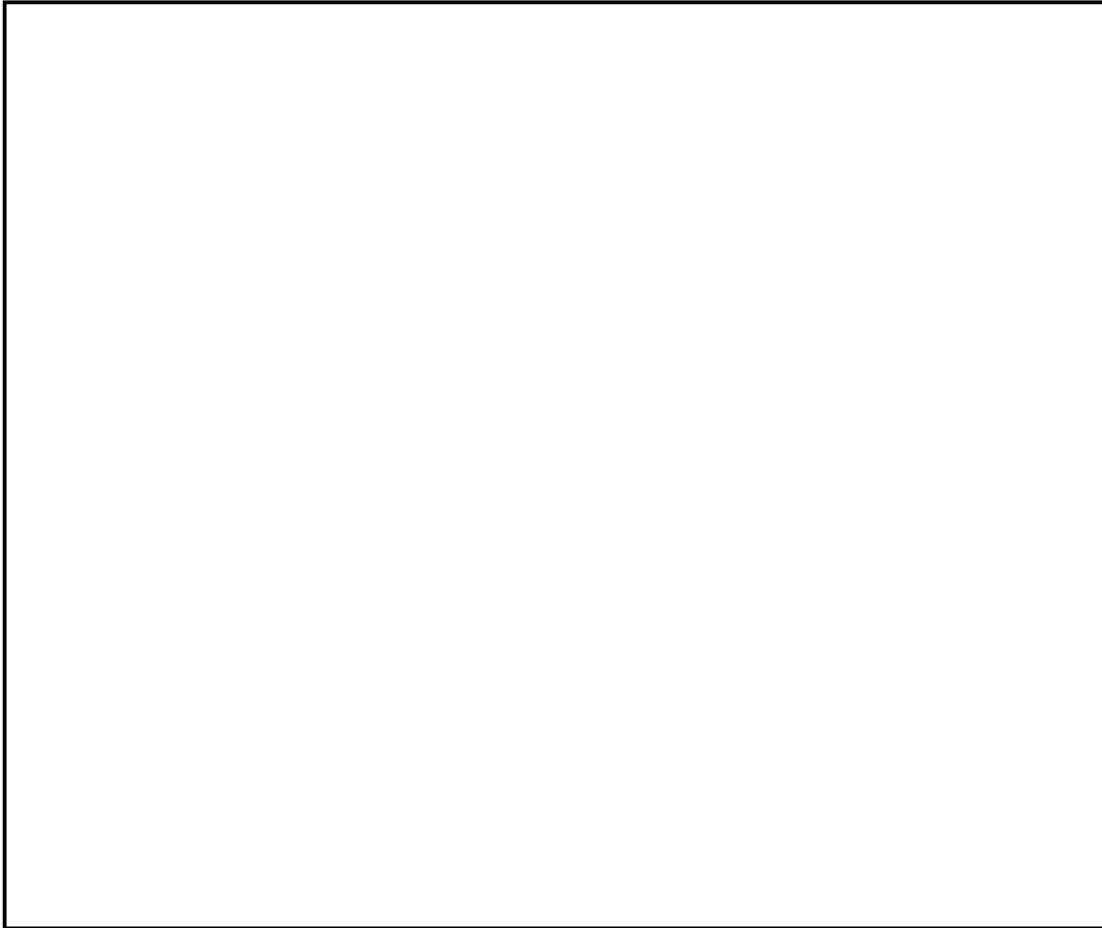
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Appendix E: (U) Syllabus

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SWAT PHYSICAL FITNESS TEST

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FIREARMS QUALIFICATIONS

Each weapon's course should include the following:

- a. Safety
- b. Care & Cleaning
- c. Loading/Unloading
- d. Firing Position
- e. FAM Fire
- f. Qualification Course
- g. Combat Course

PISTOL &

ADMINISTRATIVE/GOALS & OBJECTIVES

PERSONAL EQUIPMENT

MEDICAL LECTURE

OP ORDER/MISSION PLANNING

(Op Order Assignment)

LECTURE

FIREARMS (PISTOL/LONG GUN)

COMMUNICATIONS

LE CLEAR LECTURE

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FIREARMS (Handgun,)

LAND NAVIGATION LECTURE

LAND NAVIGATION PRACTICAL

FIREARMS (Handgun,)

WATER SAFETY

LE CLEARS STAIRS

TOC OVERVIEW

HISTORY OF SWAT

PATROLLING

RAPPELING

VEHICLE ASSAULT LECTURE

VEHICLE ASSAULT PRACTICAL

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NSPD-28 OVERVIEW

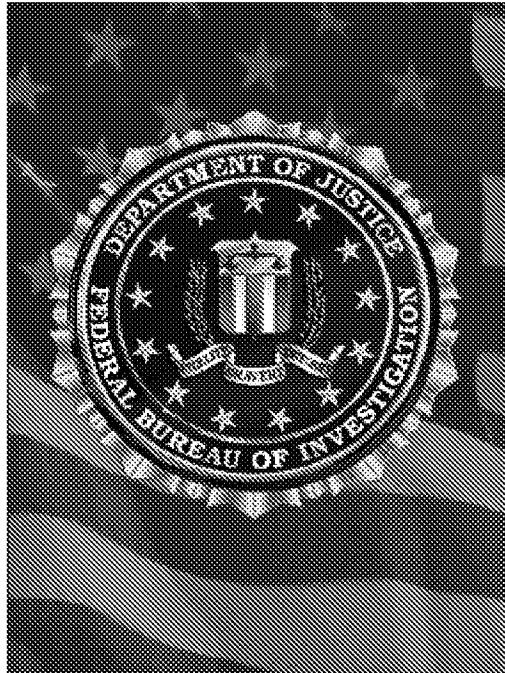
SNIPER OVERVIEW

NEGOTIATIONS OVERVIEW

EQUIPMENT/WEAPONS MAINTENANCE

TOTAL HOURS

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**(U) Federal Bureau of Investigation
(U) Critical Incident Response Group
(U) 0444PG**

(U) February 29, 2012