



**Office of the Attorney General**  
Washington, D.C.

ORDER NO. 3020-2008

**CONFORMING THE ATTORNEY GENERAL'S GUIDELINES ON FEDERAL BUREAU OF INVESTIGATION UNDERCOVER OPERATIONS TO THE ATTORNEY GENERAL'S GUIDELINES FOR DOMESTIC FBI OPERATIONS**

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. §§ 509, 510, and 533, I hereby order that, effective December 1, 2008, the following revisions be made to the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations (May 30, 2002):

1. In the Preamble, deleting "conducted by the FBI pursuant to the Attorney General's Guidelines on General Crimes, Racketeering Enterprise and Terrorism Enterprise Investigations" and inserting in lieu thereof "relating to activities in violation of federal criminal law under the Attorney General's Guidelines for Domestic FBI Operations that do not concern threats to the national security or foreign intelligence".
2. In Section III, deleting the first two paragraphs and inserting the following in lieu thereof:

"The FBI may engage in undercover activities and undercover operations pursuant to these Guidelines that are appropriate to carry out its law enforcement responsibilities, including the conduct of preliminary and full investigations generally and enterprise investigations. In preliminary and full investigations generally, these methods may be used to further the investigative objectives of detecting, obtaining information about, or preventing or protecting against crimes. In enterprise investigations, these methods may be used to further the investigative objective of ascertaining, in relation to the group or organization under investigation, such matters as the identity and relationship of its members, employees, or other persons who may be acting in furtherance of its objectives, its finances and resources, its geographical dimensions, and its past and future activities and goals.

These guidelines do not apply to investigations utilizing human sources, unless the investigation also utilizes an undercover employee. However, the FBI, through the development of internal policy, may choose to apply these Guidelines to certain human source operations by referring such matters to the Undercover Review Committee pursuant to Section IV.D(6)."

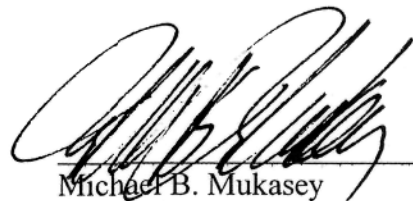
3. In Section IV.B(1), deleting the first four sentences of the note following subparagraph (b) and inserting in lieu thereof "The gathering of evidence and information through undercover operations furthers the investigative objectives of detecting, obtaining

information about, preventing, and protecting against crimes. See Sections I and III above. In furthering these objectives, the Attorney General's Guidelines for Domestic FBI Operations (Part I.C.2.a) state that "[t]he FBI shall not hesitate to use any lawful method consistent with these Guidelines, even if intrusive, where the degree of intrusiveness is warranted in light of the seriousness of a criminal . . . threat or the strength of the information indicating its existence . . . . This point is to be particularly observed in investigations relating to terrorism.".

4. In Section IV.B(1)(d), deleting "informant has been obtained as required by the Attorney General's Guidelines Regarding the Use of Confidential Informants" and inserting in lieu thereof "human source has been obtained as required by the Attorney General's Guidelines Regarding the Use of FBI Confidential Human Sources".
5. In Section IV.C(2)(l), deleting "a terrorism enterprise investigation or recruiting a person from within such a group as an informant" and inserting in lieu thereof "an enterprise investigation relating to terrorism or recruiting a person from within such a group as a human source".
6. In Section IV.D(6), deleting "informant, cooperating witness, and cooperating subject" and inserting in lieu thereof "human source".
7. In Section IV.E(1), deleting "a terrorism enterprise investigation or to recruit a person from within such a group as an informant" and inserting in lieu thereof "an enterprise investigation relating to terrorism or to recruit a person from within such a group as a human source".

November 26, 2008

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Michael B. Mukasey  
Attorney General