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**DEPARTMENT OF JUSTICE  
POLICY AND RESPONSIBILITIES**

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The Criminal Division supervises the enforcement of all federal criminal laws except those that are specifically assigned to other divisions. However, the scope of the Criminal Division's jurisdiction is not limited to criminal matters but extends to civil matters as well. The statutes currently administered by the Criminal Division are set forth in USAM 9-4.000.

The Criminal Division will provide assistance to a United States Attorney in any matter within the jurisdiction of the Division. The Division will also attempt to assist a United States Attorney in any matter related to the Federal Rules of Criminal Procedure or Speedy Trial Problems. Finally, the Division will serve as a conduit for a United States Attorney to a higher authority within or without the Department on matters within its jurisdiction.



## **AUTHORITY OF THE UNITED STATES ATTORNEY IN CRIMINAL DIVISION MATTERS/PRIOR APPROVALS**

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## **9-2.001 Introduction**

The United States Attorney, within his/her district, has plenary authority with regard to federal criminal matters. This authority is exercised under the supervision and direction of the Attorney General and his/her delegates.

The statutory duty to prosecute for all offenses against the United States (28 U.S.C. § 547) carries with it the authority necessary to perform this duty. The United States Attorney is invested by statute and delegation from the Attorney General with the broadest discretion in the exercise of such authority.

The authority, discretionary power, and responsibilities of the United States Attorney with relation to criminal matters encompass without limitation by enumeration the following:

- A. Investigating suspected or alleged offenses against the United States, *see* USAM 9-2.010;
- B. Causing investigations to be conducted by the appropriate federal law enforcement agencies, *see* USAM 9-2.010;
- C. Declining prosecution, *see* USAM 9-2.020;
- D. Authorizing prosecution, *see* USAM 9-2.030;
- E. Determining the manner of prosecuting and deciding trial related questions;
- F. Recommending whether to appeal or not to appeal from an adverse ruling or decision, *see* USAM 9-2.170;
- G. Dismissing prosecutions, *see* USAM 9-2.050; and
- H. Handling civil matters related thereto which are under the supervision of the Criminal Division.

## **9-2.010 Investigations**

The United States Attorney, as the chief federal law enforcement officer in his district, is authorized to request the appropriate federal investigative agency to investigate alleged or suspected violations of federal

law. The federal investigators operate under the hierarchical supervision of their bureau or agency and consequently are not ordinarily subject to direct supervision by the United States Attorney. If the United States Attorney requests an investigation and does not receive a timely preliminary report, he may wish to consider requesting the assistance of the Criminal Division. In certain matters the United States Attorney may wish to request the formation of a team of agents representing the agencies having investigative jurisdiction of the suspected violations.

The grand jury may be used by the United States Attorney to investigate alleged or suspected violations of federal law. Unless circumstances dictate otherwise, a grand jury investigation should not be opened without consultation with the investigative agency or agencies having investigative jurisdiction of the alleged or suspected offense.

### **9-2.020 Declining Prosecution**

The United States Attorney is authorized to decline prosecution in any case referred directly to him/her by an agency unless a statute provides otherwise. *See* USAM 9-2.111. Whenever a case is closed without prosecution, the United States Attorney's files should reflect the action taken and the reason for it.

### **9-2.021 Armed Forces Enlistment as an Alternative to Federal Prosecution**

Present regulations of the Armed Services prohibit the enlistment of an individual against whom criminal or juvenile charges are pending or against whom the charges have been dismissed to facilitate the individual's enlistment. This policy is based, in part, on the premise that the individual who enlists under such conditions is not properly motivated to become an effective member of the Armed Forces.

Determination as to whether prosecution should be instituted or pending criminal charges dismissed in any case should be made on the basis of whether the public interest would thereby best be served and without reference to possible military service on the part of the subject. The Armed Forces are not to be regarded as correctional institutions and United States Attorneys are urged to give full cooperation to the Department of Defense in the latter's efforts to ensure a highly motivated all-volunteer Armed Forces and to bolster public confidence in military service as a respectable and honorable profession.

There may be exceptional cases in which imminent military service, together with other factors, may be considered in deciding to decline prosecution if the offense is trivial or insubstantial, the offender is generally of good character, has no record or habits of anti-social behavior, and does not require rehabilitation through existing criminal institutional methods, and failure to prosecute will not seriously impair observance of the law in question or respect for law generally. In no case, however, should the United States Attorney be a party to, or encourage, an agreement respecting foregoing criminal prosecution in exchange for enlistment in the Armed Services.

### **9-2.022 Pretrial Diversion as an Alternative to Federal Prosecution**

A United States Attorney may consider Pretrial Diversion as an alternative to federal criminal prosecution. Pretrial Diversion is addressed in USAM 9-22.000.

## 9-2.030 Authorizing Prosecution

The United States Attorney is authorized to initiate prosecution by filing a complaint, requesting an indictment from the grand jury, and when permitted by law, by filing an information in any case which, in his or her judgment, warrants such action, other than those instances enumerated in USAM 9-2.120.

In arriving at a decision, the United States Attorney should consider the recommendations for prosecution of the specific offense set forth in the chapters discussing substantive offenses. The recommendations are instructive only and not mandatory.

## 9-2.031 Dual and Successive Prosecution Policy ("Petite Policy")

**A. Statement of Policy.** This policy establishes guidelines for the exercise of discretion by appropriate officers of the Department of Justice in determining whether to bring a federal prosecution based on substantially the same act(s) or transactions involved in a prior state or federal proceeding. See *Rinaldi v. United States*, 434 U.S. 22, 27, (1977); *Petite v. United States*, 361 U.S. 529 (1960). Although there is no general statutory bar to a federal prosecution where the defendant's conduct already has formed the basis for a state prosecution, Congress expressly has provided that, as to certain offenses, a state judgment of conviction or acquittal on the merits shall be a bar to any subsequent federal prosecution for the same act or acts. See 18 U.S.C. §§ 659, 660, 1992, 2101, 2117; see also 15 U.S.C. §§ 80a-36, 1282.

The purpose of this policy is to vindicate substantial federal interests through appropriate federal prosecutions, to protect persons charged with criminal conduct from the burdens associated with multiple prosecutions and punishments for substantially the same act(s) or transaction(s), to promote efficient utilization of Department resources, and to promote coordination and cooperation between federal and state prosecutors.

This policy precludes the initiation or continuation of a federal prosecution, following a prior state or federal prosecution based on substantially the same act(s) or transaction(s) unless three substantive prerequisites are satisfied: first, the matter must involve a substantial federal interest; second, the prior prosecution must have left that interest demonstrably unvindicated; and third, applying the same test that is applicable to all federal prosecutions, the government must believe that the defendant's conduct constitutes a federal offense, and that the admissible evidence probably will be sufficient to obtain and sustain a conviction by an unbiased trier of fact. In addition, there is a procedural prerequisite to be satisfied, that is, the prosecution must be approved by the appropriate Assistant Attorney General.

Satisfaction of the three substantive prerequisites does not mean that a proposed prosecution must be approved or brought. The traditional elements of federal prosecutorial discretion continue to apply. See *Principles of Federal Prosecution*, USAM 9-27.110.

In order to insure the most efficient use of law enforcement resources, whenever a matter involves overlapping federal and state jurisdiction, federal prosecutors should, as soon as possible, consult with their state counterparts to determine the most appropriate single forum in which to proceed to satisfy the substantial federal and state interests involved, and, if possible, to resolve all criminal liability for the acts in question.

**B. Types of Prosecution to which This Policy Applies.** This policy applies only to charging decisions; it does not apply to pre-charge investigations. Yet, where a prior prosecution has been brought based on substantially the same act(s) or transaction(s), a subsequent federal investigation should, generally speaking, initially focus on evidence relevant to determining whether a subsequent federal prosecution would be warranted in light of the three substantive prerequisites previously listed.

Keeping in mind the distinction between charging decisions and precharge investigations, this policy applies whenever the contemplated federal prosecution is based on substantially the same act(s) or transaction(s) involved in a prior state or federal prosecution.

This policy constitutes an exercise of the Department's prosecutorial discretion, and applies even where a prior state prosecution would not legally bar a subsequent federal prosecution under the Double Jeopardy Clause because of the doctrine of dual sovereignty (*see Abbate v. United States*, 359 U.S. 187 (1959)), or a prior prosecution would not legally bar a subsequent state or federal prosecution under the Double Jeopardy Clause because each offense requires proof of an element not contained in the other. *See United States v. Dixon*, 509 U.S. 688 (1993); *Blockburger v. United States*, 284 U.S. 299 (1932).

This policy does not apply, and thus prior approval is not required, where the prior prosecution involved only a minor part of the contemplated federal charges. For example, a federal conspiracy or RICO prosecution may allege overt acts or predicate offenses previously prosecuted as long as those acts or offenses do not represent substantially the whole of the contemplated federal charge, and, in a RICO prosecution, as long as there are a sufficient number of predicate offenses to sustain the RICO charge if the previously prosecuted offenses were excluded.

This policy does not apply, and thus prior approval is not required, where the contemplated federal prosecution could not have been brought in the initial federal prosecution because of, for example, venue restrictions, or joinder or proof problems.

Please note that when there is no need for prior approval because this policy does not apply, all other approval requirements remain in force. One example of another approval requirement is the one requiring Criminal Division approval of all RICO indictments.

**C. Stages of Prosecution at which Policy Applies.** This policy applies whenever there has been a prior state or federal prosecution resulting in an acquittal, a conviction, including one resulting from a plea agreement, or a dismissal or other termination of the case on the merits after jeopardy has attached.

Once a prior prosecution reaches one of the above-listed stages this policy applies, and approval is required before a federal prosecution can be initiated or continued, even if an indictment or information already has been filed in the federal prosecution.

An exception occurs, and this policy does not apply, if the federal trial has commenced and the prior prosecution subsequently reaches one of the above-listed stages. When, however, a federal trial results in a mistrial, dismissal, or reversal on appeal, and, in the interim, a prior prosecution has reached one of the above listed stages, this policy applies.

**D. Substantive Prerequisites for Approval of a Prosecution Governed by this Policy.** As previously stated there are three substantive prerequisites that must be met before approval will be granted for the initiation or a continuation of a prosecution governed by this policy.

The first substantive prerequisite is that the matter must involve a substantial federal interest. This determination will be made on a case-by-case basis, applying the considerations applicable to all federal prosecutions. *See Principles of Federal Prosecution*, USAM 9-27.230. Matters that come within the national investigative or prosecutorial priorities established by the Department are more likely than others to satisfy this requirement.

The second substantive prerequisite is that the prior prosecution must have left that substantial federal interest demonstrably unvindicated. In general, the Department will presume that a prior prosecution, regardless of result, has vindicated the relevant federal interest. That presumption, however, may be overcome when there are factors suggesting an unvindicated federal interest.

The presumption may be overcome when a conviction was not achieved because of the following sorts of factors: first, incompetence, corruption, intimidation, or undue influence; second, court or jury nullification in clear disregard of the evidence or the law; third, the unavailability of significant evidence, either because it was not timely discovered or known by the prosecution, or because it was kept from the trier of fact's consideration because of an erroneous interpretation of the law; fourth, the failure in a prior state prosecution to prove an element of a state offense that is not an element of the contemplated federal offense; and fifth, the exclusion of charges in a prior federal prosecution out of concern for fairness to other defendants, or for significant resource considerations that favored separate federal prosecutions.

The presumption may be overcome even when a conviction was achieved in the prior prosecution in the following circumstances: first, if the prior sentence was manifestly inadequate in light of the federal interest involved and a substantially enhanced sentence—including forfeiture and restitution as well as imprisonment and fines—is available through the contemplated federal prosecution, or second, if the choice of charges, or the determination of guilt, or the severity of sentence in the prior prosecution was affected by the sorts of factors listed in the previous paragraph. An example might be a case in which the charges in the initial prosecution trivialized the seriousness of the contemplated federal offense, for example, a state prosecution for assault and battery in a case involving the murder of a federal official.

The presumption also may be overcome, irrespective of the result in a prior state prosecution, in those rare cases where the following three conditions are met: first, the alleged violation involves a compelling federal interest, particularly one implicating an enduring national priority; second, the alleged violation involves egregious conduct, including that which threatens or causes loss of life, severe economic or physical harm, or the impairment of the functioning of an agency of the federal government or the due administration of justice; and third, the result in the prior prosecution was manifestly inadequate in light of the federal interest involved.

The third substantive prerequisite is that the government must believe that the defendant's conduct constitutes a federal offense, and that the admissible evidence probably will be sufficient to obtain and sustain a conviction by an unbiased trier of fact. This is the same test applied to all federal prosecutions. See *Principles of Federal Prosecution*, USAM 9-27.200 *et seq.* This requirement turns on the evaluation of the admissible evidence that will be available at the time of trial. The possibility that, despite the law and the facts, the fact-finder may acquit the defendant because of the unpopularity of some factor involved in the prosecution, or because of the overwhelming popularity of the defendant, or his or her cause, is not a factor that should preclude a proposed prosecution. Also, when in the case of a prior conviction the unvindicated federal interest in the matter arises because of the availability of a substantially enhanced sentence, the government must believe that the admissible evidence meets the legal requirements for such sentence.

**E. Procedural prerequisite for Bringing a Prosecution Governed by This Policy.** Whenever a substantial question arises as to whether this policy applies to a prosecution, the matter should be submitted to the appropriate Assistant Attorney General for resolution. Prior approval from the appropriate Assistant Attorney General must be obtained before bringing a prosecution governed by this policy. The United States will move to dismiss any prosecution governed by this policy in which prior approval was not obtained, unless the Assistant Attorney General retroactively approves it on the following grounds: first, that there unusual or overriding circumstances justifying retroactive approval, and second, that the prosecution would have been approved had approval been sought in a timely fashion. Appropriate administrative action may be initiated against prosecutors who violate this policy.

**F. Reservation and Superseding Effect: for Internal Guidance Only, No Substantive or Procedural Rights Created.** This policy has been promulgated solely for the purpose of internal Department of Justice guidance. It is not intended to, does not, and may not be relied upon to create any rights, substantive or

procedural, that are enforceable at law by any party in any matter, civil or criminal, nor does it place any limitations on otherwise lawful litigative prerogatives of the Department of Justice.

All of the federal circuit courts that have considered the question have held that a criminal defendant can not invoke the Department's policy as a bar to federal prosecution. *See, e.g., United States v. Snell*, 592 F.2d 1083 (9th Cir. 1979); *United States v. Howard*, 590 F.2d 564 (4th Cir. 1979); *United States v. Frederick*, 583 F.2d 273 (6th Cir. 1978); *United States v. Thompson*, 579 F.2d 1184 (10th Cir. 1978) (en banc); *United States v. Wallace*, 578 F.2d 735 (5th Cir. 1978); *United States v. Nelligan*, 573 F.2d 251 (5th Cir. 1978); *United States v. Hutul*, 416 F.2d 607 (7th Cir. 1969). The Supreme Court, in analogous contexts, has concluded that Department policies governing its internal operations do not create rights which may be enforced by defendants against the Department. *See United States v. Caceres*, 440 U.S. 471 (1979); *Sullivan v. United States*, 348 U.S. 170 (1954).

This policy statement supersedes all prior Department guidelines and policy statements on the subject.

### **9-2.032. Notification to the Criminal Division of Certain Prosecutions of Attorneys**

A. In either of the following two circumstances, the United States Attorney or Departmental Component Head shall notify the Assistant Attorney General, Criminal Division, whenever his/her office intends to file a complaint, information, or indictment against an attorney:

1. When the charges are based, in whole or in part, on evidence that the attorney served as counsel for an ongoing criminal enterprise or organization; *or*
2. When—
  - (i) the charges are based, in whole or in part, on actions or omissions by the attorney during the representation of a current or former client; *and*
  - (ii) the attorney's current or former client is, or is likely to be, a witness against the attorney; *and*
  - (iii) the client will, or is likely to, testify against the attorney pursuant to a nonprosecution, cooperation, or similar agreement with the government.

B. Except in emergency situations, the United States Attorney or Departmental Component Head shall provide such notice sufficiently in advance of the filing of a complaint, information, or indictment to provide the Assistant Attorney General, Criminal Division, a reasonable time to consult with the prosecuting office/component. In addition, the United States Attorney or Departmental component head should consider providing notice during an investigation involving the circumstances described above in A.1 or A.2, if the existence of such investigation is about to be, or has been, made public.

C. The requirements set forth in this section shall not apply to indictments that are subject to pre-indictment review by a Department component under other provisions of the United States Attorneys' Manual, e.g., RICO, tax, etc., cases.

See also the Criminal Resource Manual at 86.

### **9-2.040 Dismissal of Complaints**

The United States Attorney may dismiss a criminal complaint without prior authorization from the Criminal Division except in the instances enumerated in USAM 9-2.145. However, Rule 48(a), Fed. R. Crim.

P., requires leave of court for dismissal of a complaint, as discussed *infra*. See also USAM 9-27.000 (Principles of Federal Prosecution).

If the person charged in a complaint has been bound over for grand jury action, the complaint may be dismissed by the United States Attorney only by leave of court. A court may confer on the United States attorney a blanket authorization to dismiss complaints. If such authorization has not been given, leave of court to dismiss the complaint must be obtained in each particular case.

Whether leave of court is required to dismiss a complaint prior to the defendant being bound over for grand jury action has not been judicially settled. The United States Attorney must be governed by the interpretation of Fed. R. Crim. P. 48(a) given by the court in his district. The view that leave of court is not required to dismiss a complaint prior to the person charged being bound over is supported by the control over complaints given to judicial officers in Rules 4 and 5, Fed. R. Crim. P. Under those rules, a judicial officer may issue a warrant, may discharge a defendant, and may cancel an unexecuted warrant of arrest. It would seem, therefore, that the judicial officer can exercise a like control over a complaint prior to his decision to bind over the defendant and that leave of the court is not required.

### **9-2.041 Cancellation of Unexecuted Arrest Warrants**

Care should be taken that the Marshal of the district is promptly informed by the United States Attorney of the dismissal of a complaint, whether by the court or a judicial officer, in order to facilitate cancellations of unexecuted arrest warrants as provided in Fed. R. Crim. P. 4(d)(4). Such notification is also important when a warrant of arrest is outstanding in connection with a detainer lodged against a defendant who is confined in another district. Since the warrant will have been forwarded by the Marshal of the district where it was issued to the Marshal in the district of detention, the warrant will have to be returned to the Marshal of the issuing district for cancellation by the judicial officer after the complaint has been dismissed.

### **9-2.050 Dismissal of Indictments and Informations**

The United States Attorney may move for leave of court to dismiss an indictment or information, in whole or part, without prior authorization from the Criminal Division except in the instances enumerated in USAM 9-2.145. The United States Attorney may in any case request the views of the Criminal Division as to the dismissal of any indictment or information. Prior to dismissing an indictment the United States Attorney should consult with the referring department or agency, and also seek to obtain the views of the investigative agency involved in the matter.

Whenever the United States Attorney concludes that a dismissal is warranted, he should take prompt action to dismiss. However, an indictment should not be dismissed merely because the defendant is a fugitive.

Rule 48(a), Fed. R. Crim. P., requires leave of court for dismissal of an indictment or information by the United States Attorney. A dismissal by the United States Attorney may not be filed during the trial without the consent of the defendant. See Fed. R. Crim. P. 48(a). The court may decline leave to dismiss if the manifest public interest requires it. See *Rinaldi v. United States*, 434 U.S. 22 (1977); *United States v. Gonzalez*, 58 F.3d 459 (9th Cir.1995); *United States v. Welborn*, 849 F.2d 980 (5th Cir.1988); *United States v. Hamm*, 659 F.2d 624 (5th Cir.1981)(and cases therein).

In moving for leave to dismiss, the local practice should be followed. However, in cases of considerable public interest or importance where dismissal of the entire indictment or information is sought because of an inability to establish a *prima facie* case, a written motion for leave to dismiss should be filed explaining



fully the reason for the request. The importance of the case is not to be measured simply by the punishment prescribed for the offense. If the case involves fraud against the government, bribery, or a similarly important matter, or if any other department or branch of the government is specially interested, it is recommended that the written form of motion be used.

Often it is desirable to dismiss actions against defendants committed to federal custody for psychiatric examination to determine competency to stand trial pursuant to 18 U.S.C. § 4241(d) and 18 U.S.C. § 4247(b), and against defendants found incompetent to stand trial until their competency is restored. The Bureau of Prisons and the appropriate Medical Center for Federal Prisoners should be given notice well in advance of such dismissals and the provisions of Chapter 313 of Title 18 complied with. In cases involving dismissals of prosecution under 18 U.S.C. § 871, the Secret Service should be notified. In every case of a dismissal, the file should reflect the reasons for the dismissal. *See also* Principles of Federal Prosecution, USAM 9-27.000.

### **9-2.060 Appeals, Mandamus, Stays, Rehearing, Certiorari**

The authority of the United States Attorney with relation to appeals is set forth in USAM 9-2.170. *See also* USAM Title 2.

### **9-2.100 Limitations on United States Attorneys**

Limitations on actions of the United States Attorney in criminal matters assigned to the Criminal Division are imposed by statutes and by policies of the Department. The statutory limitations are listed in USAM 9-2.111 and 9-2.112. The policy limitations are listed in USAM 9-2.120.

### **9-2.101 American Bar Association Standards for Criminal Justice**

The American Bar Association Standards for Criminal Justice have not been adopted as official policy by the Department; however, since the courts utilize the Standards in determining issues covered by them, it is recommended that all United States Attorneys familiarize themselves with them. The ABA Standards for Criminal Justice, Table of Standards, Second Edition can be found in the Advance Sheets of the Federal Reporter, Third Series.

### **9-2.110 Statutory Limitations—Generally**

Certain statutes impose limitations on the authority of the United States Attorney to decline prosecution, to prosecute, and to take certain actions relating to the prosecution of criminal cases.

### **9-2.111 Statutory Limitations—Declinations**

If a judge, receiver, or trustee in a case under Title 11, United States Code, has reported to the United States Attorney that he/she believes a violation of Chapter 9, Title 11, United States Code, or other laws of the United States relating to insolvent debtors, receiverships, or reorganization plans has been committed, or that an investigation should be had in connection therewith, 18 U.S.C. § 3057(a), the United States Attorney, if he/she decides upon inquiry and examination that the ends of public justice do not require investigation or prosecution, must report the facts to the Attorney General for his/her direction,

18 U.S.C. § 3057(b). The report of the United States Attorney should be sent to the Criminal Division, Fraud Section. *See* USAM 9-41.010 (Bankruptcy Fraud).

Only the Assistant Attorney General, Criminal Division, the Deputy Attorney General, or the Attorney General can authorize a declination of a prosecution for national security reasons. Classified Information Procedures Act, 18 U.S.C. App. (Supp. V 1981). Accordingly, the Internal Security Section, Criminal Division, is to be consulted in any case in which there is a possibility that prosecution may be declined for national security reasons. *See* USAM 9-90.020 (National Security Matters: Prior Approval, Consultation, and Notification Requirements).

United States Attorneys may not decline to prosecute violations of 50 U.S.C. App. 462(a) involving the failure to register with the Selective Service System without prior notification to the Criminal Division (Office of Enforcement Operations). Such notification is necessitated by the requirement of 50 U.S.C. App. § 462(c) that the Department "advise the [Congress] in writing the reasons for its failure" to bring such prosecutions. *See* USAM 9-79.400 (Failure to Register with the Selective Service System).

## **9-2.112 Statutory Limitations—Prosecutions**

No prosecution of an offense described in 18 U.S.C. § 245 (Federally Protected Activities) may be undertaken by the United States except upon the certification of the Attorney General or Deputy Attorney General that in his or her judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice. *See* USAM 9-85.200. The function of certification may not be delegated. *See* 18 U.S.C. § 245(a)(1). The anti-riot provision, 18 U.S.C. § 245(b)(3), and violations of 18 U.S.C. § 245(b)(1), insofar as it relates to matters not involving discrimination or intimidation on grounds of race, color, religion, or national origin, are assigned to the Criminal Division and requests for certification relating to them should be sent to the Criminal Division. Formerly, prosecutions under 42 U.S.C. §§ 2272-2276 (Atomic Energy Act) might be brought only after receiving the express direction of the Attorney General. *See* 42 U.S.C. § 2271(c).

Violations of 18 U.S.C. § 1073 (Flight to Avoid Prosecution or Giving Testimony) may be prosecuted only upon formal approval in writing by the Attorney General, the Deputy Attorney General, the Associate Attorney General, or an Assistant Attorney General. Accordingly, under no circumstances should an indictment under the Act be sought, nor an information be filed, nor should criminal proceedings under Rule 40, Federal Rules of Criminal Procedure be instituted without the written approval of the Assistant Attorney General, Criminal Division. Requests for written approval to prosecute should be forwarded to the Terrorism and Violent Crime Section. *See* USAM 9-69.460. This approval requirement also applies to cases involving custody disputes. *See* USAM 9-69.421.

Prosecution for violations of 18 U.S.C. § 659 (Theft from Interstate Shipments) and of 18 U.S.C. § 2102 (Riots) are barred if there has been a judgment of conviction or acquittal on the merits under the law of any State for the same act or acts. *See* 18 U.S.C. §§ 659, 2101(c). That a Federal prosecution for violation of 18 U.S.C. § 659 was initiated prior to the commencement of the State prosecution did not prevent dismissal of the Federal indictment when a State trial on a larceny charge resulted in acquittal before a defendant was retried on the Federal indictment following a remand from the Court of Appeals. *See United States v. Evans*, (D.N.J. November 19, 1968) (DJ 15-48-368). The Solicitor General decided no appeal should be taken not because of 18 U.S.C. § 659 but because of the policy against dual prosecution. *See* USAM 9-2.031 (Petite Policy).

## **9-2.120 Policy Limitations—Generally**

Department of Justice and Criminal Division policies impose limitations on the authority of the United States Attorney to decline prosecution, to prosecute, and to take certain actions relating to the prosecution of criminal cases. These policy limitations are discussed throughout the United States Attorneys' Manual, with a centralized listing contained in 9-2.400.

With regard to policy limitations, if in the opinion of the United States Attorney the exigencies of the situation prevent compliance with a policy, he/she shall take the action deemed appropriate. He/she shall promptly report to the Criminal Division the deviation from policy, or if the policy is established by a higher authority, report to that authority and be guided by the instructions furnished him/her. A written report of the deviation should be promptly made. Approval of the action of the United States Attorney or his/her taking action as instructed shall be deemed, for all purposes, to be compliance with the policy. Among the purposes of this language is to ensure that criminals do not escape prosecution by inaction on the part of a United States Attorney immobilized by policy; to require a report of deviation from policy in order that the policy may be evaluated; and to express confidence in the judgment, and to reaffirm the authority, of the United States Attorney in such a situation.

If the United States Attorney discovers that a policy of the Division or of a higher authority has not been followed because of inadvertence, he/she shall promptly notify the Division or higher authority of the deviation from policy by the most expeditious means and subsequently in writing. He/she shall be guided by the instructions furnished him/her. Approval of the action of the United States Attorney, or his/her taking action as instructed shall be deemed, for all purposes, to be compliance with the policy.

In the instances when the United States Attorney is directed to consult with the Division prior to taking an action, such consultation will typically be by an Assistant United States Attorney with an attorney of the section assigned responsibility for the statute or matter involved. *See* USAM 9-4.000. If there is a disagreement at this level, the matter should be resolved by appropriate higher authority before the disputed action is taken.

## **9-2.131 Matters Assumed by Criminal Division or Higher Authority**

If primary prosecutorial responsibility for a matter has been assumed by the Criminal Division or higher authority, the United States Attorney shall consult with the persons having primary responsibility before conducting grand jury proceedings, seeking indictment, or filing an information.

## **9-2.136. Notification, Consultation, and Approval Requirements for International Terrorism Matters**

### **A. The Need for a Consistent and Coordinated National Enforcement Strategy for International Terrorism Matters.**

Faced with the growing threat of international terrorism and in order to implement this nation's obligations under various international conventions designed to prevent and punish acts of terrorism, Congress has enacted significant legislation to expand the jurisdiction of the United States to investigate and prosecute terrorist activities occurring within and outside the territorial jurisdiction of the United States. Following the terrorist attacks of September 11, 2001, the Attorney General implemented various initiatives to ensure an aggressive, consistent, and coordinated national enforcement program to prevent, disrupt, and punish international terrorism. The Department and the Congress also emphasized the need for robust sharing

of information related to terrorism between and among Department components and other Executive Branch agencies, including the need for relevant information collected at headquarters components to flow to the field as well as information flowing from the field to headquarters. In view of the expanded Federal criminal jurisdiction over and importance of international terrorism matters and the obvious need to ensure a well-coordinated Federal response to such matters, the following policy is established in regard to international terrorism, including terrorist acts planned or committed outside the territorial jurisdiction of the United States over which Federal criminal jurisdiction exists and those within the United States involving international terrorists and terrorist groups. The coordination is conducted by the National Security Division (NSD) and, in particular, by its Counterterrorism Section (CTS).

## **B. What Constitutes an “International Terrorism” Investigation.**

*The requirements in this section apply to all investigations involving an identified link to international terrorism.* If the United States Attorney’s Office (USAO) or the referring agency has opened the investigation as an international terrorism matter (such as an FBI 315 file), or if the matter is being investigated as an international terrorism matter by a Joint Terrorism Task Force, the matter will presumptively qualify as an international terrorism investigation. In addition, other investigations in which links to international terrorism are identified after the investigation is initiated will qualify at that point as international terrorism matters for purposes of this section, regardless of the statutory violation initially presented or ultimately charged and regardless of the referring agency. If there is any question about whether a matter involves international terrorism, all doubt should be resolved in favor of consultation with CTS.

The *notification, consultation, and information-sharing* provisions of this section apply in all international terrorism matters. The *approval* requirements depend on whether the Federal statute to be utilized in certain court actions is listed in Category 1 below, in which case approval is presumptively required, or Category 2, in which case approval is presumptively not required.

### **1. International Terrorism Statutes (Category 1)**

The Federal statutes listed in this subsection represent the intent of Congress to expand the jurisdiction of the United States to investigate and prosecute international terrorism or are utilized regularly in international terrorism matters. *If a Category 1 statute is being used in a terrorism investigation that is not entirely domestic – i.e., a terrorism investigation that involves foreign nationals, foreign locations, or connections to foreign countries or groups – the matter shall be deemed an international terrorism matter.* This includes use of a listed statute as the object of a conspiracy or as a predicate for a RICO or other offense.

- Terrorist Acts Abroad Against United States Nationals (18 U.S.C. § 2332)
- Terrorism Transcending National Boundaries (18 U.S.C. § 2332b)
- Hostage Taking (18 U.S.C. § 1203)
- Aircraft Piracy (49 U.S.C. § 46502)
- Aircraft Sabotage (18 U.S.C. § 32)
- Conspiracy Within the United States to Murder, Kidnap, or Maim Persons or to Damage Certain Property Overseas (18 U.S.C. § 956)
- Providing Material Support to Terrorists (18 U.S.C. § 2339A)
- Providing Material Support to Designated Terrorist Organizations (18 U.S.C. § 2339B)
- Prohibition Against Financing of Terrorism (18 U.S.C. § 2339C)

- Violations of IEEPA (50 U.S.C. § 1705(b)) involving E.O. 12947 (Terrorists Who Threaten to Disrupt the Middle East Peace Process); E.O. 13224 (Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism or Global Terrorism List); and E.O. 13129 (Blocking Property and Prohibiting Transactions With the Taliban)
- Harboring Terrorists (18 U.S.C. § 2339)
- Terrorist Attacks Against Mass Transportation Systems (18 U.S.C. § 1993)
- Use of Biological, Nuclear, Chemical or Other Weapons of Mass Destruction (18 U.S.C. §§ 175, 175b, 229, 831, 2332a)
- Sabotage of Nuclear Facilities or Fuel (42 U.S.C. § 2284)
- Crimes Against Internationally Protected Persons (18 U.S.C. §§ 112, 878, 1116, 1201(a)(4))
- Bombings of places of public use, Government facilities, public transportation systems and infrastructure facilities (18 U.S.C. § 2332f)
- Production, Transfer, or Possession of Variola Virus (Smallpox) (18 U.S.C. § 175c)
- Participation in Nuclear and WMD Threats to the United States (18 U.S.C. § 832)
- Missile Systems designed to Destroy Aircraft (18 U.S.C. § 2332g)
- Production, Transfer, or Possession of Radiological Dispersal Devices (18 U.S.C. § 2332h)
- Receiving Military-Type Training from an FTO (18 U.S.C. § 2339D)
- Narco-Terrorism (21 U.S.C. § 1010A)
- Animal Enterprise Terrorism (18 U.S.C. § 43)

## 2. Other International Terrorism Matters (Category 2)

A variety of other Federal statutes may also be used to prevent, disrupt, and punish international terrorists. These include the statutes listed below as well as many other Federal offenses including, but not limited to, fraud offenses, immigration offenses, firearms charges, drug crimes, and false statement, perjury, and obstruction of justice offenses. While these statutes may be used in a variety of contexts, some not involving terrorism at all and others involving only domestic terrorism, *if the investigation in which the statute is used involves an identified link to international terrorism*, including but not limited to any link or reference to a designated Foreign Terrorist Organization (FTO), it is encompassed by the policy set forth in this section.

- Arsons and Bombings (18 U.S.C. §§ 842(m), 842(n), 844(f), 844(i))
- Unlicensed Money Remitter Charges (18 U.S.C. § 1960)
- Protection of Computers (18 U.S.C. § 1030)
- False Statements (18 U.S.C. § 1001)
- Violence at International Airports (18 U.S.C. § 37)
- Killings in the Course of Attack on a Federal Facility (18 U.S.C. § 930(c))
- Crimes in the Special Aircraft Jurisdiction other than Aircraft Piracy (49 U.S.C. §§ 46503-46507)
- Crimes Committed Within the Special Maritime and Territorial Jurisdiction of the United States (18 U.S.C. §§ 7, 113, 114, 115, 1111, 1112, 1201, 2111)

- Wrecking Trains (18 U.S.C. § 1992)
- Destruction of Interstate Gas or Hazardous Liquid Pipeline Facilities (49 U.S.C. § 60123(b))
- Destruction of Communication Lines (18 U.S.C. § 1362)
- Destruction of National Defense Materials, Premises, or Utilities (18 U.S.C. § 2155)
- Sea Piracy (18 U.S.C. § 1651)
- Violence against Maritime Navigation and Maritime Fixed Platforms (18 U.S.C. §§ 2280, 2281)
- International Traffic in Arms Regulations (22 U.S.C. § 2778, and the rules and regulations promulgated thereunder, 22 C.F.R. § 121-130)
- Genocide (18 U.S.C. § 1091)
- Torture (18 U.S.C. § 2340A)
- War Crimes (18 U.S.C. § 2441)
- False Information and Hoaxes (18 U.S.C. § 1038)

**C. Channels for Communications Between the USAO and the National Security Division.**

Communications regarding the notification, consultation, information-sharing, and approval requirements of this section should normally be made between the Anti-Terrorism Advisory Council (ATAC) Coordinator or other designated Assistant United States Attorneys (AUSAs) in the USAO and the Regional ATAC Coordinator or designated Trial Attorney in the Counterterrorism Section (CTS). If necessary, including if the usual contact is unavailable, communications may also be directed from the National Security Division to supervisory AUSAs or to the United States Attorney, and from the USAO to the CTS National ATAC Coordinator, a CTS supervisor, or the CTS Chief or the AAG or his/her staff. Communications need only be made through a single channel; multiple communications on the same matter are not required. If a substantive offense being discussed is within the area of responsibility of another section of the National Security Division (e.g., Arms Export Control Act- Counterespionage Section) or the Criminal Division (e.g., Torture - Domestic Security Section), CTS will be responsible for coordinating the matter with that section.

The main CTS telephone number is (202) 514-0849. After business hours, all CTS attorneys and the CTS duty officer may be reached by calling the Justice Command Center at (202) 514-5000.

**D. USAO Notification of CTS is Required Regarding Initiation of and Significant Developments in All International Terrorism Matters.**

**Initiation.** The USAO shall notify CTS when any international terrorism matter is opened. The notification should include the names and identifiers, if known, of subjects of the investigation and a general overview of the investigation, so that CTS may attempt to identify linkages to, and deconflict the investigation with, investigations that may be ongoing in other districts or within CTS and may raise any concerns about the proposed investigation. To allow this process, notification should be made in advance where practicable and otherwise as soon as possible, but the USAO should not delay in taking necessary investigative action, particularly where such action is covert. Notification may be made by email or telephone; or, as necessary to protect classified and sensitive information, by secure fax or telephone; and may utilize the standard Case Notification Form available from CTS if preferred. If after notification, CTS determines that there are related matters pending in other districts that could be affected by investigative action in the new matter, CTS will so inform the USAO and will advise the other districts of the new matter.

**Significant Developments.** In all international terrorism matters, the USAO shall notify CTS of significant developments in the investigation and prosecution, including the filing of search warrants; the

filing of material witness warrants; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of plea agreements; the initiation and results of trials; and the results of sentencing and appeals. (As discussed in subsection H below, in certain international terrorism matters, some of these court actions also require prior approval of the National Security Division.) CTS will be responsible for reporting to the Department's leadership on such developments, although the USAO should also send Urgent Reports on such matters as required by USAM § 3-18.200.

**E. USAO Consultation with CTS is Encouraged in All International Terrorism Investigations and is Required Before Issuing Grand Jury Subpoenas in Overlapping Investigations.**

Consultation between USAOs and CTS is encouraged in all international terrorism matters. Consultation at the inception of an investigation facilitates consideration of the full range of investigative tools now available and discussion of investigative strategy. Consultation on significant investigative and prosecution developments also facilitates coordination, as necessary and appropriate, with other Department components and with other law enforcement, intelligence, defense and other agencies; such coordination is often done in practice, and sometimes must be done pursuant to Attorney General guidelines or by request of the other components and agencies, at the headquarters level. Consultation promotes careful evaluation of intelligence, defense, foreign policy and other governmental interests that often affect investigative tactics and strategies, charging decisions, discovery (including such issues as defendants' access to detained enemy combatants), use of classified information, use of expert witnesses and cooperating witnesses and defendants from other jurisdictions, jury instructions, sentencing issues, and similar concerns.

**Grand Jury Subpoenas and Pen/Trap Orders.** Where a USAO is aware that another USAO or CTS has a related international terrorism matter opened, the USAO shall not issue grand jury subpoenas or apply for a pen register or trap and trace order that may impact such related matters without *first consulting* with CTS and the other district.

**F. CTS is Required to Share Relevant Information With Affected USAOs.**

When CTS becomes aware, through contacts with USAOs, other National Security Division and Criminal Division Sections and Department components, including the FBI, other agencies, or otherwise, of information that may be relevant to an international terrorism matter pending in a USAO, including relevant investigative action that may be planned in another district and issues regarding FISA searches or electronic surveillance, CTS shall share that information directly with the USAO as soon as practicable and to the extent authorized by the originator of the information. Where relevant information is known to CTS but cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.

**G. CTS Intranet Website Will Be Accessible to USAOs.**

To the extent practical and permitted by classification, need-to-know, operational security, court sealing, and similar restrictions, CTS should also share available information about activities in terrorism matters generally with all USAOs. A large amount of such information, including the CTS Daily Reports, is available to USAOs through the CTS intranet website. United States Attorneys, ATACs, and other AUSAs with a need to know may obtain licenses allowing access to the CTS website by contacting EOUSA.

**H. Prior Express Approval of the Assistant Attorney General of the National Security Division or His Designee is Presumptively Required Regarding Certain Court Actions in Category 1 Matters, and is Required in Category 2 Matters Where Requested By the Assistant Attorney General.**

*Prior express approval* of the Assistant Attorney General of the National Security Division (AAG) or his designee is presumptively required for certain court actions involving the international terrorism-focused

(Category 1) statutes. Prior approval is required in other (Category 2) international terrorism matters only upon AAG request. Prior approval is required for the following court actions:

- (1) Filing an application for a search warrant.
- (2) Filing an application for a material witness warrant.
- (3) Filing a criminal complaint or information or seeking the return of an indictment.
- (4) Filing a superseding complaint or information, or seeking the return of a superseding indictment.
- (5) Dismissing a charge for which AAG approval was initially required, including as part of a plea agreement. (See also the discussion of other plea agreements later in this Section.)
- (6) Other specific court filings as requested by the AAG.

In other words, if the court document in an international terrorism matter utilizes a Category 1 statute listed in subsection B.1. above, the AAG or his designee must approve the action in advance unless the AAG advises the USAO that he does not seek to exercise approval authority in the particular matter or with regard to the particular court filing. For example, the AAG may determine after reviewing a routine search warrant in a Category 1 case that he does not need to review any similar search warrants in that particular case. This approval requirement applies whether the Category 1 statute is used as a substantive offense or as the object of a conspiracy or a predicate offense for a RICO or other violation. The approval requirement also applies to “hoax” and “threat” cases that utilize Weapons of Mass Destruction or other Category 1 statutes.

In the many other international terrorism matters in which court documents do not utilize one of the Category 1 statutes – such as cases using one of the more general Category 2 statutes described in subsection B.2. above – then prior approval is required only if the AAG advises the USAO that he wishes to exercise approval authority for some or all of the court actions in the particular matter. Note that in cases not requiring AAG approval, the USAO should still notify CTS of these sorts of court actions as significant developments in the matter, as discussed in subsection D above.

If the United States Attorney believes that AAG approval is not warranted in a case in which the AAG has requested to exercise approval authority for some or all of the court actions in the particular matter, the United States Attorney may appeal to the Deputy Attorney General for a determination of whether such approval is necessary.

**Indictments, Informations, and Complaints.** Where prior approval is required, the USAO should make the application for approval through CTS. In such cases, submission to CTS of a prosecution memorandum and a copy of the proposed indictment, information, or complaint is normally required prior to seeking authorization for charges, although CTS may waive this requirement in a particular case. The final draft of the proposed charge must be provided to CTS before final AAG approval will be sought. Attorneys are encouraged to seek informal guidance from CTS throughout the investigation and well before a final indictment and prosecution memorandum are submitted for review. The submitting AUSA must allocate sufficient lead time to permit review, revision, discussion, and the scheduling of the grand jury. The information provided should indicate both the proposed date for the investigatory action and the proposed date by which the USAO needs a response. If CTS is unable to respond within the time frame suggested by the USAO, CTS must immediately notify the USAO to determine an acceptable time frame agreed to by both parties. A well-written, carefully organized prosecution memorandum is the greatest guarantee that a prosecution will be authorized quickly and efficiently.

**Significant Filings.** In approval cases, once charges have been filed in court, a copy of the file-stamped charging document shall be provided to CTS. CTS shall also be notified and provided copies of any significant court rulings in the case. In addition, copies of motions, jury instructions and briefs filed by the



USAO, as well as the defendant(s), should be forwarded to CTS for retention in a central reference file. The government's briefs and motions will provide assistance to other USAOs handling similar matters. Once a verdict has been obtained, the USAO shall forward to CTS the verdict on each count of the indictment and the sentence(s) received by each defendant.

**Plea Agreements.** Before entering into a plea agreement in a case in which court documents utilize one of the Category 1 statutes (or cases using Category 2 statutes in which the AAG makes a request), the USAO shall *notify and seek the concurrence* of the AAG, with any disagreement to be resolved by the Deputy Attorney General.

#### **I. Exigent Circumstances.**

If exigent circumstances require a USAO to take immediate action in an international terrorism matter without complying with the consultation or prior approval requirements set forth above, the USAO must *notify* CTS of any action taken as soon as practicable thereafter and the exigent circumstances that precluded obtaining prior approval. The USAO shall provide copies of any court filings made. If the AAG determines that further review or action appears appropriate, the AAG and the USAO will confer on how best to proceed. Any disagreements will be resolved by the Deputy Attorney General.

#### **J. Attorney General Certification Under 18 U.S.C. § 2332.**

Pursuant to statute, the written certification of the Attorney General is required to allege a violation of 18 U.S.C. § 2332. This certification represents a finding that the offense was intended to coerce, intimidate or retaliate against a government or civilian population. Application for this certification should be made through CTS, allowing sufficient lead time for review and transmittal to the Attorney General.

See also the flowchart in the Criminal Resource Manual at 88.

### **9-2.137. Notification Requirements in Domestic Terrorism Matters.**

Domestic terrorists pose a significant threat to the safety and well-being of the United States. To a significant degree, this threat arises in connection with movements and groups whose existence spans multiple jurisdictions or even the entire nation, making effective coordination of these matters critical. This may include matters in which there is a reason to believe that a subject, target, or defendant may lead, belong to, or otherwise participate in the activities of an organization that is the subject of a preliminary or full field FBI Terrorism Enterprise Investigation (TEI), and other matters within the definition of "domestic terrorism" (See Title 18, United States Code § 2331(5)).

The USAO shall *notify* CTS, through its CTS Regional Coordinator, the CTS Domestic Terrorism Coordinator, or the National Anti-Terrorism Advisory Council (ATAC) Coordinator, of the initiation and significant developments in domestic terrorism investigations (*i.e.*, a terrorism investigation that does not involve foreign nationals, foreign locations, or connections to foreign countries or groups). Department approval is not required for the initiation, investigation, or prosecution of domestic terrorism matters; however, notification to CTS regarding these cases will allow for general coordination and deconfliction of such matters, enhance opportunities to recognize overlap with international terrorism matters, and allow CTS to track developments in the FBI TEIs that CTS reviews. CTS attorneys are also available for consultation on such investigations and prosecutions. This notification requirement replaces the monthly domestic terrorism reports previously required to be filed with EOUSA by the USAOs.

When CTS becomes aware, through contacts with USAOs, other National Security Division and Criminal Division Sections and Department components including the FBI, other agencies, or otherwise, of information that may be relevant to a domestic terrorism matter pending in a USAO, including relevant

investigative action that may be planned in another district, CTS shall share that information directly with the USAO as soon as practicable and to the extent authorized by the originator of the information. Where relevant information is known to CTS but cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.

## **9-2.138. Notification, Consultation, and Approval Requirements for Weapons of Mass Destruction (WMD) Matters**

### **A. Nationwide Enforcement Policy is Required**

Matters involving the Weapons of Mass Destruction (WMD) statutes (18 U.S.C. §§ 175, 175b, 175c, 229, 831, 832, 2332a, and 2332h), may involve international terrorism, *in which case they are already covered by the policy set forth in USAM 9-2.136*. Even if the matters do not involve international terrorism, however, the importance and sensitivity of these matters requires a consistent national approach as established in the following policy. The policy is coordinated by the National Security Division. The Counterterrorism Section (CTS) is the point of contact for these matters.

During business hours, the main CTS number is (202) 514-0849. After business hours, CTS attorneys and supervisors may be reached by calling the Justice Command Center at (202) 514-5000.

### **B. What Constitutes a WMD Matter**

The Department is seeing an increasing number of investigations involving the use of chemical, biological, radiological, and nuclear (CBRN) material and agents, as well as large scale explosive devices intended to cause catastrophic damage and weapons that seek to combine CBRN and ordinary explosives. *The requirements in this section apply in all investigations in which the USAO contemplates charging an offense under the WMD statutes (18 U.S.C. §§ 175, 175b, 175c, 229, 831, 832, 2332a, and 2332h), regardless of the statutory violation initially presented or ultimately charged and regardless of the referring agency.*

### **C. Exception for "Routine" WMD-related Hoax and Threat Matters**

The USAO is not required to follow the approval requirements of this section if the case is a "routine" threat or hoax case. A case is not routine if (1) the USAO intends to charge an offense under the WMD statutes; (2) the matter affects other districts; or (3) the matter is expected to attract national public or media attention. Notification to CTS of routine hoax and threat matters is still encouraged.

### **D. Notification and Consultation Requirements**

**Initiation.** When the USAO opens any WMD matter, the USAO shall promptly notify CTS. The notification should include the names and identifiers, if known, of the subjects of the investigation and a general overview of the investigation. Whenever feasible, notification should be made in advance of any action by the USAO, and otherwise as soon as possible, but the USAO should not delay in taking any necessary investigative action, particularly where such action is covert. Notification may be made by email or telephone (or by secured means where necessary), and may utilize the standard Case Notification Form available from CTS if preferred. If after notification, CTS determines that there are related matters pending in another district that could be affected by the new matter, CTS will so inform the USAO and will advise the other district of the new matter.

**Grand Jury Subpoenas and Pen/Trap Orders.** Where a USAO is aware that another USAO or CTS has opened a related matter, the USAO shall not issue a grand jury subpoena or apply for a pen register or trap and trace order that may affect the related matter without first consulting with CTS and the other district.

**Significant Developments and Case Preparation.** The USAO shall notify CTS of any significant development in the investigation and prosecution of the matter, including the filing of a search warrant; the filing of a material witness warrant; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of a plea agreement; the initiation and results of trials; and the results of sentencings and appeals. (As discussed in subsection E below, some of these same court actions also require prior approval of the Assistant Attorney General of the National Security Division.) The USAO is also encouraged to consult with CTS on issues such as investigative tactics and strategies, discovery, jury instructions, sentencing issues, the use of expert witnesses, and the use of cooperating witnesses and cooperating defendants from other jurisdictions.

**Information Sharing with the USAO.** When CTS becomes aware of information from any source that may be relevant to a WMD matter pending in a USAO, including relevant investigative action that may be planned in another district, CTS shall share that information with the USAO as soon as practicable, to the extent authorized by the originator of the information. Where relevant information known to CTS cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.

#### **E. Approval Requirements**

Prior, express approval of the Assistant Attorney General (AAG) of the National Security Division (or his or her designee) is required for the following court actions involving a WMD matter:

1. filing an application for a search warrant;
2. filing an application for a material witness warrant;
3. filing a criminal complaint or information or seeking the return of an indictment;
4. filing a superseding complaint or information, or seeking the return of a superseding indictment;
5. dismissing a charge for which AAG approval was initially required, including as part of a plea agreement; and
6. other specific court filings as requested by the AAG.

Where prior approval is required, the USAO should make the application for approval through CTS. Submission to CTS of a prosecution memorandum and a copy of the proposed application, indictment, information, or complaint is normally required prior to seeking AAG approval, although CTS may waive this requirement in a particular case. The final draft of any proposed charge must be provided to CTS before final AAG approval will be given. Attorneys are encouraged to seek informal guidance from CTS throughout the investigation and well before a final indictment and prosecution memorandum are submitted for review. The submitting AUSA must allocate sufficient lead time to permit review, revision, discussion, and the scheduling of the grand jury. The information provided should indicate both the proposed date for the contemplated action and the proposed date by which the USAO needs a response. If CTS is unable to respond within the time frame suggested by the USAO, CTS must immediately notify the USAO to determine an acceptable time frame agreed to by both parties. A well-written, carefully organized prosecution memorandum is the greatest guarantee that a prosecution will be authorized quickly and efficiently.

In cases requiring approval, once a charge has been filed in court, a copy of a file-stamped charging document shall be provided to CTS. CTS shall also be notified and provided copies of any significant court rulings in the case. In addition, copies of motions, jury instructions and briefs filed by the USAO, as well

as the defendant(s), should be forwarded to CTS for retention in a central reference file. Such a file of the government's briefs and motions will provide assistance to other USAOs handling similar matters. Once a verdict has been obtained, the USAO shall forward to CTS the verdict on each count of the indictment and the sentence(s) received by each defendant.

#### **F. AAG Concurrence Requirement for Plea Agreements**

The USAO must seek the prior concurrence of the AAG before entering into a plea agreement in a WMD matter. If the AAG does not concur to the entry of the plea agreement, the disagreement shall be resolved by the Deputy Attorney General.

#### **G. Exigent Circumstances**

If exigent circumstances require a USAO to take immediate action in a WMD matter without complying with the notification, consultation, concurrence, or prior approval requirements set forth above, the USAO must promptly notify CTS of any action taken and of the exigent circumstances that precluded obtaining prior approval. The USAO shall also provide CTS copies of any court filings made. If the AAG determines that further review or action appears appropriate, the AAG and the USAO will confer on how best to proceed. Any disagreements will be resolved by the Deputy Attorney General.

### **9-2.139 Notification, Consultation, and Approval Requirements for Torture, War Crimes, and Genocide Matters**

#### **A. National Coordination**

Matters involving torture (18 U.S.C. §§ 2340- 2340B), war crimes (18 U.S.C. § 2441), and genocide (18 U.S.C. §§ 1091-1093) raise issues of national and international concern. Successful prosecution of these matters requires both careful coordination within the Department of Justice and careful coordination between the Department and senior officials in the foreign affairs and military communities. The responsibility for this coordination is assigned to the Criminal Division and, in particular, its Domestic Security Section (DSS). If a matter involving torture, war crimes, or genocide also involves international terrorism, responsibility for coordination will be assigned to the Counterterrorism Section of the National Security Division as provided in this section and USAM 9-2.136.

During business hours, the main DSS number is (202) 616-5731. After business hours, DSS attorneys and supervisors may be reached by calling the Justice Command Center at (202) 514-5000.

#### **B. Matters Involving Torture, War Crimes, or Genocide**

The requirements in this section apply in all investigations in which the USAO contemplates—

1. charging torture (18 U.S.C. §§ 2340-2340B), a war crime (18 U.S.C. § 2441), or genocide (18 U.S.C. §§ 1091-1093); or
2. charging any other offense (such as a violation of 18 U.S.C. §§ 1001, 1425, or 1546) where proof of the other offense (i.e., of the false statement or fraud) will require the government to either define torture, war crimes, or genocide, or to prove that torture, a war crime, or genocide was committed.

#### **C. Notification Requirements**

**Initiation.** When the USAO opens any torture, war crimes, or genocide matter, the USAO shall promptly notify the Domestic Security Section (DSS) of the Criminal Division. The notification should include the

names and identifiers, if known, of the subjects of the investigation and a general overview of the investigation. Whenever feasible, notification should be made in advance of any action by the USAO, and otherwise as soon as possible, but the USAO should not delay in taking any necessary investigative action, particularly where such action is undercover. Notification may be made by email or telephone (or by secured means where necessary), and may utilize the standard Case Notification Form available from DSS if preferred. If after notification, DSS determines that there are related matters pending in another district that could be affected by the new matter, DSS will so inform the USAO and will advise the other district of the new matter.

DSS shall immediately notify CTS of all notifications made by a USAO under this paragraph. If CTS determines that a matter involves international terrorism, CTS will assume coordination of the matter pursuant to USAM 9-2.136. *When CTS assumes coordination of a torture, war crimes, or genocide matter involving international terrorism, the approval, notification, and consultation requirements of USAM 9-2.136 apply.* For all other cases, the following requirements apply.

#### **D. Consultation Requirements**

**Grand Jury Subpoenas and Pen/Trap Orders.** Where a USAO is aware that another USAO or DSS has opened a related matter, the USAO shall not issue a grand jury subpoena or apply for a pen register or trap and trace order that may affect the related matter without first consulting with DSS and the other district.

**Significant Developments and Case Preparation.** The USAO shall notify DSS of any significant development in the investigation and prosecution of the matter, including the filing of a search warrant; the filing of a material witness warrant; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of a plea agreement; the initiation and results of trials; and the results of sentencing and appeals. (As discussed in subsection E below, some of these same court actions also require prior approval of the Assistant Attorney General of the Criminal Division.) The USAO is also encouraged to consult with DSS on issues such as investigative tactics and strategies, discovery, jury instructions, sentencing issues, the use of expert witnesses, and the use of cooperating witnesses and cooperating defendants from other jurisdictions.

**Information Sharing with the USAO.** When DSS becomes aware of information from any source that may be relevant to a torture, war crimes, or genocide matter pending in a USAO, including relevant investigative action that may be planned in another district, DSS shall share that information with the USAO as soon as practicable, to the extent authorized by the originator of the information. Where relevant information known to DSS cannot be shared with a USAO due to originator requirements, DSS shall request that the originator authorize such sharing.

#### **E. Approval Requirements**

Prior, express approval of the Assistant Attorney General (AAG) of the Criminal Division (or his or her designee) is required for the following court actions involving a torture, war crimes, or genocide matter:

1. filing an application for a search warrant;
2. filing an application for a material witness warrant;
3. filing a criminal complaint or information or seeking the return of an indictment;
4. filing a superseding complaint or information, or seeking the return of a superseding indictment;

5. dismissing a charge for which AAG approval was initially required, including as part of a plea agreement; and
6. other specific court filings as requested by the AAG.

Where prior approval is required, the USAO should make the application for approval through DSS. Submission to DSS of a prosecution memorandum and a copy of the proposed application, indictment, information, or complaint is normally required prior to seeking AAG approval, although DSS may waive this requirement in a particular case. The final draft of any proposed charge must be provided to DSS before final AAG approval will be given. Attorneys are encouraged to seek informal guidance from DSS throughout the investigation and well before a final indictment and prosecution memorandum are submitted for review. The submitting AUSA must allocate sufficient lead time to permit review, revision, discussion, and the scheduling of the grand jury. The information provided should indicate both the proposed date for the contemplated action and the proposed date by which the USAO needs a response. If DSS is unable to respond within the time frame suggested by the USAO, DSS must immediately notify the USAO to determine an acceptable time frame agreed to by both parties. A well-written, carefully organized prosecution memorandum is the greatest guarantee that a prosecution will be authorized quickly and efficiently.

In cases requiring approval, once a charge has been filed in court, a copy of a file-stamped charging document shall be provided to DSS. DSS shall also be notified and provided copies of any significant court rulings in the case. In addition, copies of motions, jury instructions and briefs filed by the USAO, as well as the defendant(s), should be forwarded to DSS for retention in a central reference file. Such a file of the government's briefs and motions will provide assistance to other USAOs handling similar matters. Once a verdict has been obtained, the USAO shall forward to DSS the verdict on each count of the indictment and the sentence(s) received by each defendant.

#### **F. AAG Concurrence Requirement for Plea Agreements**

The USAO must seek the prior concurrence of the AAG before entering into a plea agreement in a torture, war crimes, or genocide matter. If the AAG does not concur to the entry of the plea agreement, the disagreement shall be resolved by the Deputy Attorney General.

#### **G. Exigent Circumstances**

If exigent circumstances require a USAO to take immediate action in a torture, war crimes, or genocide matter without complying with the notification, consultation, concurrence, or prior approval requirements set forth above, the USAO must promptly notify DSS of any action taken and of the exigent circumstances that precluded obtaining prior approval. The USAO shall also provide DSS copies of any court filings made. If the AAG determines that further review or action appears appropriate, the AAG and the USAO will confer on how best to proceed. Any disagreements will be resolved by the Deputy Attorney General.

### **9-2.145 Dismissals**

Criminal Division approval is required before dismissing, in whole or in part, an indictment, information, or complaint if prior approval was required before seeking an indictment or filing an information or complaint.

The above mentioned approval is not a direction but rather an authorization to dismiss if, in the opinion of the United States Attorney, this course is advisable. United States Attorneys must satisfy themselves that the conditions upon which dismissals are authorized have been complied with.

### **9-2.154 Legislative Proposals by United States Attorneys**

The Criminal Division is interested in obtaining the benefit of any suggestions by United States Attorney or their Assistants for changes in federal statutory law, or rules, affecting criminal prosecutions. Accordingly, United States Attorneys and Assistant United States Attorneys are encouraged to develop such proposals and to forward them for initial consideration to the Office of Policy and Legislation. The suggestions for changes in rules and legislation may also be submitted concurrently to the Legislation and Public Policy Subcommittee of the Attorney General's Advisory Committee of United States Attorneys. Suggested legislative changes should be submitted concurrently to the Office of Legislative Affairs.

United States Attorneys and their staffs are reminded that all suggestions for changes in federal criminal statutes must be communicated to the Department of Justice and not to Congress directly. Unsolicited communication to Congress of individual proposals for legislation, outside proper official channels, has the potential to cause grave embarrassment to the Department and, however well motivated, is contrary to Department policy. *See also*, 18 U.S.C. § 1913. *See also* USAM 1-8.000 (Relations with the Congress).

### **9-2.155 Sensitive Matters**

The United States Attorney should keep the Criminal Division apprised of all developments in sensitive criminal matters, particularly those which may generate questions to the Criminal Division or higher authority. *See also* USAM 3-18.200, Urgent Reports.

### **9-2.159 Refusal of Government Departments and Agencies to Produce Evidence**

It is the responsibility of the Department of Justice to enforce the law vigorously and it cannot abdicate this duty because of possible embarrassment to other agencies of the government. Situations may arise where substantial reasons of national security, foreign policy or the like may require the Department to abandon an investigation, forego litigation, or seek dismissal of a case. However, such action should be taken only after the most careful consideration of all of the relevant facts and then only with the personal approval of the Assistant Attorney General (AAG) in charge of the Division having responsibility for the case.

Accordingly, all United States Attorneys handling cases in which another government agency refuses to produce records or witnesses necessary for successful litigation of the case are directed to proceed in the following manner:

- A. In no event should the United States Attorney accept the opinion or representation of the agency that such records or witnesses cannot be made available without determining all of the specific facts upon which the agency relies to support its refusal.
- B. If the United States Attorney is not satisfied that the facts justify the refusal, he/she should so advise the agency and seek to procure the evidence requested of the agency.
- C. If the United States Attorney concurs that there are sufficient and valid reasons to support the agency's refusal to produce the necessary evidence, he/she should advise the AAG in charge of the division having jurisdiction over the subject matter of the case of his/her conclusion. That AAG, after consultation with the Deputy Attorney General, will authorize the United States Attorney, if necessary and appropriate, to terminate the investigation, forego the litigation, or dismiss the case. A full statement of the facts

supporting the conclusion of the United States Attorney should be set forth in the correspondence to the appropriate AAG.

The United States Attorney should also apprise the appropriate AAG of any incidents coming to his/her attention where he/she believes any agency of the federal government is not cooperating in his/her efforts to obtain the full disclosure of the facts to enable him/her to make an intelligent judgment as to whether the agency's refusal to produce requested evidence is justified.

## **9-2.170 Decision to Appeal and to File Petitions in Appellate Courts**

**A. Approval Requirements.** 28 C.F.R. § 0.20(b) provides that the Solicitor General has the authority to "[d]etermine whether, and to what extent, appeals will be taken by the Government to all appellate courts (including petitions for rehearing *en banc* and petitions to such courts for the issuance of extraordinary writs)." The following actions must be approved:

1. Any appeal of a decision adverse to the government, including an appeal of an order releasing a charged or convicted defendant or a request to seek a stay of a decision adverse to the government.
2. A petition for rehearing that suggests rehearing *en banc*—and any rare appeal in which the government wishes to suggest that it be heard initially *en banc*. *See* Fed. R. App. P. 35(c). Although a petition for panel rehearing does not require the approval of the Solicitor General, one should not be filed until the Solicitor General has been given the opportunity to decide whether the case merits *en banc* review.
3. A petition for mandamus or other extraordinary relief.
4. In a government appeal, a request that the case be assigned to a different district court judge on remand.
5. A request for recusal of a court of appeals judge.
6. A petition for certiorari. (NOTE: 28 C.F.R. § 0.20(a) provides that the Solicitor General shall supervise all Supreme Court cases, "including appeals, petitions for and in opposition to certiorari, briefs and arguments, and settlement thereof." Accordingly, in criminal cases, only the Solicitor General petitions for certiorari or responds to petitions for certiorari).

**B. Reporting Requirements.** United States Attorneys' Offices (USAOs) should report all adverse, appealable district court decisions to the Appellate Section (including adverse 28 U.S.C. § 2255 habeas rulings, *coram nobis* rulings, and forfeiture rulings). USAOs must report the following categories of adverse sentencing decisions to the Appellate Section of the Criminal Division or other appropriate division as soon as possible, but in no event later than 14 days of judgment. This requirement only applies to adverse decisions, i.e., decisions made over the objection of the Government. The categories of adverse decisions required to be reported are as follows:

- (1) Departures that change the "Zone" in the Sentencing Table: An adverse decision must be reported if the following three criteria are met:
  - (a) the court departed downward on any ground;
  - (b) the departure reduces the sentencing range from Zone C or D to a lower zone; and
  - (c) no term of imprisonment was imposed.



- (2) Departures based on criminal history: An adverse decision must be reported if the following three criteria are met:
- (a) the court departed downward on the ground that the defendant's criminal history category over-represents the seriousness of the defendant's criminal history, see U.S.S.G. § 4A1.3;
  - (b) the Government asserted that no such departure was justified on the facts of the case at all, cf. 18 U.S.C. § 3742(e)(3)(B)(iii) (thus triggering the de novo appellate review provisions of the PROTECT Act); and
  - (c) the extent of the departure was two or more criminal history categories or the equivalent.
- (3) Departures based on "discouraged" or "unmentioned" factors: An adverse decision must be reported if the following four criteria are met:
- (a) the court departed downward based on a discouraged factor, see, e.g., U.S.S.G. Ch. 5, Pt. H, a factor not mentioned in the Guidelines, or a combination of factors where no single factor justifies departure;
  - (b) the basis for departure constitutes an "impermissible" ground as defined in 18 U.S.C. § 3742(j)(2) (and is therefore subject to de novo review under the PROTECT Act);
  - (c) the offense level prior to departure was 16 levels or more; and
  - (d) the extent of the departure was three or more offense levels.
- (4) Departures in child victim and sexual abuse cases: An adverse decision must be reported if the following two criteria are met:
- (a) the court departed downward on any ground; and
  - (b) the case is one in which the sentencing of the offense of conviction is governed by 18 U.S.C. § 3553(b)(2), as amended by the PROTECT Act (i.e., "an offense under section 1201 involving a minor victim, an offense under section 1591, or an offense under chapter 71, 109A, 110, or 117").
- (5) Illegal adjustments for "acceptance of responsibility": An adverse decision must be reported if the following two criteria are met:
- (a) the court granted a three-level downward adjustment for acceptance of responsibility; and
  - (b) the Government did not move for the third level of the adjustment. See U.S.S.G. § 3E1.1(b), as amended by the PROTECT Act.
- (6) Departures on remand: An adverse decision must be reported if the following two criteria are met:
- (a) the court imposed the sentence on remand from the court of appeals; and
  - (b) the sentence does not comply with the PROTECT Act's requirements for sentencing after remand. See 18 U.S.C. § 3742(g).
- (7) Recurring illegal departures: An adverse decision must be reported if the following two criteria are met:
- (a) the court improperly departed downward in a manner that is not otherwise required to be reported; and
  - (b) the basis for departure has become prevalent in the district or with a particular judge.

- (8) Sentences below statutory minimum: Any decision in which the court imposed a sentence that is illegally below the statutory minimum must be reported.
- (9) Any other case for which authority to appeal is sought: The USAO must report any other adverse sentencing decision that is not supported by the law and the facts and that the United States Attorney wishes to appeal.

USAOs should report every published court of appeals' decision that is adverse to the government in any respect. They should report any unpublished court of appeals' decision that affirms a district court decision that the government appealed. They should report any unpublished court of appeals' decision that they believe merits rehearing en banc or certiorari.

Before confessing error in a court of appeals, USAOs should consult with the Appellate Section. USAOs should also consult with the Appellate Section before taking a position that may be inconsistent with the government's position in another case.

USAOs should report every adverse decision as soon as possible, especially adverse court of appeals' decisions, since the government generally has 14 days to approve, draft, and file a rehearing petition if no extension is obtained.

**C. Timing of Appeals and Rehearing Petitions.** The government has 30 days from the date of judgment or 30 days from the filing of any defendant's notice of appeal to file a notice of appeal. *See* Federal Rule of Appellate Procedure 4. A timely filed motion for reconsideration (that is, one filed within 30 days after judgment) extends the time for filing a notice of appeal until 30 days after the denial of the motion. The time for filing a notice of appeal is otherwise not subject to extension and is jurisdictional. For a Notice of Appeal form, see the Criminal Resource Manual at 22.

The government has 60 days to file a notice of appeal from an adverse § 2255 habeas or in rem forfeiture decision.

A protective notice of appeal should not be filed without notifying the Appellate Section. If a protective notice of appeal is filed and a briefing schedule is issued before authorization to appeal is obtained, notify the Appellate Section of the briefing schedule as soon as possible. In cases involving Sentencing Guidelines appeals, notify the Appellate Section before filing any document other than a protective notice of appeal, so that approval of the Solicitor General may be obtained.

Federal Rule of Appellate Procedure 40 requires a party to file a petition for rehearing within 14 days of the court of appeals' judgment. In those instances in which the Appellate Section has not been advised of an adverse court of appeals' decision in a timely fashion, USAOs should protect the time to petition for rehearing by filing a motion requesting an extension of 30 days to petition for rehearing. Even when the Appellate Section has been timely advised of an adverse court of appeals' decision, the Appellate Section may ask the USAO to seek a 30-day extension of time within which to petition for rehearing in order to allow the Solicitor General time to review the case. Most circuits will grant the government a 30-day extension of time to file a petition for rehearing. For a form Petition for Rehearing Extension, see the Criminal Resource Manual at 23.

Motions for extensions of time to file a rehearing petition must be received by the court on or before the date the rehearing petition is due. Similarly, rehearing petitions must be received on or before the date they are due. Mailing by the due date is insufficient to constitute timely filing.

The government has 90 days from the date of the court of appeals' decision or an order denying a timely petition for rehearing to file a petition for a writ of certiorari.

**D. Obtaining Authorization to Appeal and Petition for Rehearing.** To obtain authorization to appeal, the United States Attorney should send the following materials to the Appellate Section:

- A memorandum setting forth reasons for the appeal;
- The order or opinion of the district court;
- Related motions or memoranda and relevant transcripts if available; and
- In sentencing appeals, the presentence report and the judgment and commitment order.

To obtain authorization to file a petition for rehearing with suggestion for rehearing en banc, the United States Attorney should send the following materials to the Appellate Section:

- The opinion of the court of appeals;
- The briefs filed by both parties in the court of appeals; and
- A memorandum setting forth reasons justifying the filing of a petition for rehearing with suggestion for rehearing en banc.

Materials should be sent to the following addresses:

By mail:	By overnight courier:
Appellate Section	Appellate Section
Criminal Division	Criminal Division
P.O. Box 899	Room 2266, Main Justice Bldg.
Ben Franklin Station	10th St. & Pennsylvania Ave., N.W.
Washington, D.C. 20044	Washington, D.C. 20530

**E. Standards for Authorization.** United States Attorneys' Offices are encouraged to consult with the Appellate Section if they have any question as to whether a case is appropriate for appeal or rehearing. **F.**

**The Authorization Process.** After receiving the United States Attorney's request for authorization to seek further review, an Appellate Section attorney writes a memorandum containing a recommendation to the Solicitor General. If the Appellate Section agrees with the United States Attorney, then the United States Attorney's and the Appellate Section's recommendations are forwarded to the Solicitor General.

If the Appellate Section disagrees with the United States Attorney, a Deputy Assistant Attorney General in the Criminal Division reviews the Appellate Section's and United States Attorney's recommendations before they are sent to the Solicitor General.

Whenever further review is sought, an Assistant to the Solicitor General reviews the United States Attorney's and Appellate Section's recommendations and writes a memorandum containing the Assistant's recommendation to the Solicitor General. The Deputy Solicitor General then reviews all of the recommendations and writes another memorandum to the Solicitor General (except for sentencing guidelines cases, which go directly to the Solicitor General after review by an assistant). The Solicitor General personally determines whether to authorize every appeal and petition for rehearing with suggestion for rehearing en banc.

Appeals are also discussed in USAM Title 2.

## **9-2.173 Arrest of Foreign Nationals**

Where nationals of foreign countries are arrested on charges of Federal criminal violations, the United States Attorney has the responsibility to ensure that the treaty obligations of the United States concerning notification of the consular officer of the country of which the arrested person is a national are observed. The procedure to be followed when the arrest is by an officer of the Department of Justice is specified in 28 C.F.R. § 50.5.

Certain treaties require that the consular official be notified of the arrest of one of his/her nationals only upon the demand or request of the foreign national. Other treaties require notifying the consul of the arrest of a national of his/her country whether or not the arrested person requests such notification. If the foreign national arrested on Federal criminal charges is a member of the consular staff or the consul himself/herself, special obligations are imposed by certain treaties.

Information concerning the treaty obligations of the United States in the event of the arrest of a foreign national, a consul, or member of the consular staff may be obtained from the Criminal Division by calling the Office of International Affairs.

### **9-2.180 Strike Forces**

Organized Crime Strike Force Units (OCSFU's) within specified United States Attorneys' Offices, operate under the provisions of Attorney General Order No. 1386-89 (December 26, 1989). The OCSFU's have the responsibility of supervising and prosecuting cases against criminal enterprises operating in or affecting the United States as identified by the Attorney General through the Attorney General's Organized Crime Council (Council).

The term "organized crime," applies herein to criminal groups that usually are structured and engage in repeated illegal activities over an extended period of time for profit within the United States.

### **9-2.181 Organized Crime Strike Force Unit Duties**

The Organized Crime and Racketeering Section of the Criminal Division has the responsibility for ensuring that Organized Crime Strike Force Unit (OCSFU) cases are properly indicted and prosecuted. OCFSUs shall submit case initiation reports and prosecution memoranda and proposed indictments for approval and report significant developments to the Organized Crime and Racketeering Section. The Section must review and process all matters in organized crime cases that require the approval of the Assistant Attorney General of the Criminal Division or higher official, including immunities and electronic surveillance authorizations, as well as witness protection requests, plea dispositions, and appeals. Each OCFSU shall promptly advise the Section of all significant developments in a case, including the filing of indictments, significant pleadings, convictions, dismissals, acquittals, and impositions of sentences. The OCFSUs shall submit to the Section final copies of indictments as filed, daily reports on significant case developments, updated statistical data, and such other information as Section procedures require.

### **9-2.182 Organized Crime Strike Force Unit Strategic Plans**

Every two years each Organized Crime Strike Force Unit shall submit to the Attorney General's Organized Crime Council a strategic plan identifying and assessing organized crime conditions within its district. This strategic plan shall be prepared in consultation with all appropriate Federal and local enforcement agencies.

### **9-2.183 Organized Crime Strike Force Unit Personnel**

Personnel allocations in each Organized Crime Strike Force Unit (OCSFU) shall remain at least at levels established in December 1989. The personnel in each OCFSU shall work exclusively on organized crime matters. Personnel assigned to the OCFSU cannot work on other matters without the permission of the Assistant Attorney General of the Criminal Division. Selections by the United States Attorney for the position of Chief of the OCSFU and for any other OCSFU attorney position and the transfer of an attorney from an OCSFU requires the concurrence of the Assistant Attorney General of the Criminal Division.

## 9-2.200 Release of Information—Press Information and Privacy

See USAM 1-7.100 and 28 C.F.R. § 50.2 for the Department's policy regarding the release of information to the news media or public relating to criminal or civil proceedings.

## 9-2.400 Prior Approvals Chart

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-2.031	Approval is required to continue and/or initiate a federal prosecution affected by Petite policy (dual and successive prosecution).	Assistant Attorney General, Criminal Division, through the Witness Immunity Unit of the Office of Enforcement Operations.
9-2.032	Notification to Criminal Division of certain prosecutions of attorneys, see 9-2.032.	AAG/Criminal Division through Witness Immunity Unit, Office of Enforcement Operations.
9-2.136(D)	The USAO shall notify CTS of the opening of any international terrorism matter. The notification should include the names and identifiers, if known, of subjects of the investigation and a general overview of the investigation, so that CTS may attempt to identify linkages to, and deconflict the investigation with, investigations that may be ongoing in other districts or within CTS and may raise any concerns about the proposed investigation. To allow this process, notification should be made in advance where practicable and otherwise as soon as possible, but the USAO should not delay in taking necessary investigative action, particularly where such action is covert. Notification may be made by email or telephone; or, as necessary to protect classified and sensitive information, by secure fax or telephone; and may utilize the standard Case Notification Form available from CTS if preferred. If after notification, CTS determines that there are related matters pending in other districts that could be affected by investigative action in the new matter, CTS will so inform the USAO and will advise the other districts of the new matter.	Regional ATAC Coordinator in the Counterterrorism Section.
9-2.136(D)	In all international terrorism matters, the USAO shall notify CTS of significant developments in the investigation and prosecution, including the filing of search warrants; the filing of material witness	Regional ATAC Coordinator in the Counterterrorism Section.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
	warrants; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of plea agreements; the initiation and results of trials; and the results of sentencings and appeals. CTS will be responsible for reporting to the Department's leadership on such developments, although the USAO should also send Urgent Reports on such matters as required by USAM § 3-18.200.	
9-2.136(E)	Where a USAO is aware that another USAO or CTS has a related international terrorism matter opened, the USAO shall not issue grand jury subpoenas or apply for a pen register or trap and trace order that may impact such related matters without first consulting with CTS and the other district.	Regional ATAC Coordinator in the Counterterrorism Section, and the ATAC Coordinator or other designated AUSAs in the other district.
9-2.136(F)	When CTS becomes aware of information that may be relevant to an international terrorism matter pending in a USAO, including relevant investigation action that may be planned in another district and issues regarding FISA searches or electronic surveillance, CTS shall share that information directly with the USAO as soon as practicable and to the extent authorized by the originator of the information. Where relevant information is known to CTS but cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.	The ATAC Coordinator or other designated AUSAs in the other district.
9-2.136(H)	<p>Prior express approval of the Assistant Attorney General of the National Security Division (AAG) or his designee is presumptively required for certain court actions involving the international terrorism-focused (Category 1) statutes:</p> <ol style="list-style-type: none"> <li>1. Filing an application for a search warrant.</li> <li>2. Filing an application for a material witness warrant.</li> <li>3. Filing a criminal complaint or information or seeking the return of an indictment.</li> <li>4. Filing a superseding complaint or information, or seeking the return of a superseding indictment.</li> </ol>	AAG of the National Security Division or his/her designee.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
	<p>5. Dismissing a charge for which AAG approval was initially required, including as part of a plea agreement.</p> <p>6. Other specific court filings as requested by the AAG.</p> <p>Prior approval is required in other (Category 2) international terrorism matters only upon AAG request. As noted above, even court actions that do not require prior approval will qualify as significant developments with notification requirements.</p>	
9-2.136(H)	<p>Before entering into a plea agreement in a case in which court documents utilize one of the Category 1 statutes (or cases using Category 2 statutes in which the AAG makes a request), the USAO shall notify and seek the concurrence of the AAG, with any disagreement to be resolved by the Deputy Attorney General.</p>	AAG of the National Security Division.
9-2.136(I)	<p>If exigent circumstances require a USAO to take immediate action in an international terrorism matter without complying with the consultation or prior approval requirements set forth above, the USAO must notify CTS of any action taken as soon as practicable thereafter and the exigent circumstances that precluded obtaining prior approval. The USAO shall provide copies of any court filings made.</p>	Regional ATAC Coordinator in the Counterterrorism Section.
9-2.136(J)	<p>The written certification of the Attorney General is required to allege a violation of 18 U.S.C. § 2332.</p>	Regional ATAC Coordinator in the Counterterrorism Section.
9-2.137	<p>The USAO shall notify CTS, through its CTS Regional Coordinator, the CTS Domestic Terrorism Coordinator, or the National ATAC Coordinator, of the initiation and significant developments in domestic terrorism investigations (i.e., a terrorism investigation that does not involve foreign nationals, foreign locations, or connections to foreign countries or groups).</p>	Regional ATAC Coordinator, the CTS Domestic Terrorism Coordinator, or the National ATAC Coordinator in the Counterterrorism Section.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-2.137	When CTS becomes aware of information that may be relevant to a domestic terrorism matter pending in a USAO, including relevant investigative action that may be planned in another district, CTS shall share that information directly with the USAO as soon as practicable and to the extent authorized by the originator of the information. Where relevant information is known to CTS but cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.	The ATAC Coordinator or other designated AUSAs in the other district.
9-2.138(C)	Notifying CTS of routine hoax or threat matters is not required, but is encouraged.	Counterterrorism Section.
9-2.138(D)	USAOs must promptly notify CTS when the USAO opens any WMD matter.	Counterterrorism Section.
9-2.138(D)	Where a USAO is aware that another USAO or CTS has opened a related matter, the USAO shall not issue a grand jury subpoena or apply for a pen register or trap and trace order that may affect the related matter without first consulting with CTS and the other district.	Counterterrorism Section and the other district.
9-2.138(D)	The USAO shall notify CTS of any significant development in the investigation and prosecution of the matter, including the filing of a search warrant; the filing of a material witness warrant; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of a plea agreement; the initiation and results of trials; and the results of sentencing and appeals.	Counterterrorism Section.



USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-2.138(E)	Prior, express approval of the Assistant Attorney General (AAG) of the National Security Division (or his or her designee) is required for the following court actions involving a WMD matter: filing an application for a search warrant; filing an application for a material witness warrant; filing a criminal complaint or information or seeking the return of an indictment; filing a superseding complaint or information, or seeking the return of a superseding indictment; dismissing a charge for which AAG approval was initially required, including as part of a plea agreement; and other specific court filings as requested by the AAG.	Assistant Attorney General (AAG) of the National Security Division, through the Counterterrorism Section.
9-2.138(F)	The USAO must seek the prior concurrence of the AAG before entering into a plea agreement in a WMD matter.	Assistant Attorney General (AAG) of the National Security Division.
9-2.138(G)	If exigent circumstances require a USAO to take immediate action in a WMD matter without complying with the notification, consultation, concurrence, or prior approval requirements set forth above, the USAO must promptly notify CTS of any action taken and of the exigent circumstances that precluded obtaining prior approval.	Counterterrorism Section.
9-2.139(C)	When the USAO opens any torture, war crimes, or genocide matter, the USAO shall promptly notify the Domestic Security Section (DSS) of the Criminal Division.	Domestic Security Section.
9-2.139(C)	DSS shall immediately notify CTS of all notifications made by a USAO under 9-2.139(C).	Counterterrorism Section.
9-2.139(D)	Where a USAO is aware that another USAO or DSS has opened a related matter, the USAO shall not issue a grand jury subpoena or apply for a pen register or trap and trace order that may affect the related matter without first consulting with DSS and the other district.	Domestic Security Section and the other district.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-2.139(D)	The USAO shall notify DSS of any significant development in the investigation and prosecution of the matter, including the filing of a search warrant; the filing of a material witness warrant; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of a plea agreement; the initiation and results of trials; and the results of sentencings and appeals.	Domestic Security Section.
9-2.139(D)	Prior, express approval of the Assistant Attorney General (AAG) of the Criminal Division (or his or her designee) is required for the following court actions involving a torture, war crimes, or genocide matter: filing an application for a search warrant; filing an application for a material witness warrant; filing a criminal complaint or information or seeking the return of an indictment; filing a superseding complaint or information, or seeking the return of a superseding indictment; dismissing a charge for which AAG approval was initially required, including as part of a plea agreement; and other specific court filings as requested by the AAG.	Assistant Attorney General of the Criminal Division, through the Domestic Security Section.
9-2.139(F)	The USAO must seek the prior concurrence of the AAG before entering into a plea agreement in a torture, war crimes, or genocide matter.	Assistant Attorney General of the Criminal Division.
9-2.139(G)	If exigent circumstances require a USAO to take immediate action in a torture, war crimes, or genocide matter without complying with the notification, consultation, concurrence, or prior approval requirements set forth above, the USAO must promptly notify DSS of any action taken and of the exigent circumstances that precluded obtaining prior approval.	Domestic Security.
9-2.145	Approval to dismiss any charge or reduce any charge for which approval was necessary to through the Section indict or file an information or complaint.	Assistant Attorney General, Criminal Division having jurisdiction of the Offense.
9-2.154	Legislative proposals should be forwarded for consultation.	Office of Policy and Legislation.
9-2.159	Approval to dismiss case based on agency refusal to produce documents.	Assistant Attorney General, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-2.170	<p>Prior approval is required of the following appeals, requests, or petitions:</p> <p>1) Any appeal of a decision adverse to the government, including an appeal of an order releasing a charged or convicted defendant or a request to seek a stay of a decision adverse to the government.</p> <p>2) A petition for rehearing that suggests rehearing en banc--and any rare appeal in which the government wishes to suggest that it be heard initially en banc. See Fed. R. App. P. 35(c). Although a petition for panel rehearing does not require the approval of the Solicitor General, one should not be filed until the Solicitor General has been given the opportunity to decide whether the case merits en banc review.</p> <p>3) A petition for mandamus or other extraordinary relief.</p> <p>4) In a government appeal, a request that the case be assigned to a different district court judge on remand.</p> <p>5) A request for recusal of a court of appeals judge.</p> <p>6) A petition for certiorari (only the Solicitor General may file petitions for certiorari).</p>	Solicitor General, through Appellate Section, Criminal Division.
9-2.170	<p>Notification is required of all adverse, appealable district court decisions (including adverse 28 U.S.C. § 2255 habeas rulings, coram nobis rulings, and forfeiture rulings). USAOs need only report adverse district court Sentencing Guidelines decisions if they wish to obtain authorization to appeal that decision. Other adverse sentencing decisions should be reported.</p>	Appellate Section, Criminal Division.
9-2.170	<p>Notification is required of every published court of appeals' decision that is adverse to the government in any respect.</p>	Appellate Section, Criminal Division.
9-2.170	<p>Consultation is required before confessing error in a court of appeals, or before taking a position that may be inconsistent with the government's position in another case.</p>	Appellate Section, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-2.173	Under some treaties, prosecutors are required to notify the consular official when a foreign national is arrested in the United States on federal criminal charges.	Consular Officials of foreign countries. Contact the Office of International Affairs, Criminal Division, to determine whether a treaty requires contact with a consular official.
9-2.181	Approval is required for Organized Crime Strike Force matters. Every significant action in the investigation and prosecution, from case initiation, court authorized electronic surveillance, witness immunities, witness protection requests, undercover proposals, case indictment, disposition by plea, and other important events must be approved in advance by Organized Crime and Racketeering Section. All significant dispositions, including indictments and verdicts, must be reported to Organized Crime and Racketeering Section in writing.	Organized Crime and Racketeering Section, Criminal Division.
9-5.150	Approval is required to move for or consent to closure of judicial proceedings. 28 C.F.R. § 50.9.	Deputy Attorney General (through the Division having supervisory authority over the offense charged; the Office of Enforcement Operations, through the Policy and Statutory Enforcement Unit, handles these approvals for the Criminal Division).
9-7.110	Approval is required for applications for court orders authorizing the interception of oral, wire or electronic communications (except for applications involving electronic communications to digital-display paging device-which may be approved by a United States Attorney). Approval is also required for extension requests.	Assistant Attorney General, Criminal Division or Deputy Assistant Attorney General, through the Office of Enforcement Operations.
9-7.111	Approval is required for roving interception of wire and oral communications.	Attorney General, Deputy Attorney General, Associate Attorney General, Assistant Attorney General, or Acting Assistant Attorney General, through Office of Enforcement Operations, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-7.112	Approval is required for emergency interceptions under 18 U.S.C. § 2518(7) without a court order.	Attorney General, Deputy Attorney General, Associate Attorney General (after obtaining oral approval of AAG or DAAG of Criminal Division, through Office of Enforcement Operations).
9-7.200	Approval is required to use video surveillance for law enforcement purposes when there is a constitutionally protected expectation of privacy requiring judicial authorization.	Assistant Attorney General, Deputy Assistant Attorney General, Director and Associate Directors of the Office of Enforcement Operations, Criminal Division.
9-7.500	The use of pen registers to collect all or part of a URL is prohibited without prior consultation with CCIPS. This policy does not apply to applications for pen register orders that would merely authorize collection of Internet Protocol (IP) addresses, even if such IP addresses can be readily translated into URLs or portions of URLs. Similarly, this policy does not apply to the collection, at a web server, of tracing information indicating the source of requests to view a particular URL using a trap and trace order.	Computer Crime and Intellectual Property Section, Criminal Division.
9-7.302	Approval is required to intercept a non-telephonic verbal communication without the consent of all parties to the communication (but with the consent of at least one party to the communication), when it is known that: 1) The monitoring relates to an investigation of a member of Congress, a federal judge, a member of the Executive Branch at Executive Level IV, or above, or a person who has served in such capacity within the previous two years; (2) The monitoring relates to an investigation of the Governor, Lieutenant Governor, or Attorney General of any State or Territory, or a judge or justice of the highest court of any State or Territory, and the offense investigated is one involving bribery, conflict of interest, or extortion relating to the performance of his or her official duties (3) Any party to the communication is a member of the diplomatic corps of a foreign country; (4) any party to the communication is or has been a member of the Witness Security	Director or Associate Director of the Office of Enforcement Operations, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
	Program and that fact is known to the agency involved or its officers; (5) the consenting or nonconsenting person is in the custody of the Bureau of Prisons or the United States Marshals Service; or (6) the Attorney General, Deputy Attorney General, Associate Attorney General, any Assistant Attorney General, or the United States Attorney in the district where an investigation is being conducted has requested the investigating agency to obtain prior written consent before conducting consensual monitoring in a specific investigation.	
9-8.130	Notification must be provided prior to filing any motion to transfer a juvenile proceeding to an adult prosecution.	Domestic Security Section, Criminal Division.
9-10.020	A district indicting a Title 21 capital offense that occurred before March 6, 2006, should consult with the Capital Case Unit of the Criminal Division regarding indictment and procedure.	Capital Case Unit, Criminal Division.
9-10.040	In all cases subject to the provisions of USAM Chapter 9-10.000, the Attorney General will make the final decision about whether to seek the death penalty. The Attorney General will convey the final decision to the United States Attorney in a letter authorizing him or her to seek or not to seek the death penalty.	Attorney General.
9-10.040	In no event may the information identified in the second paragraph of USAM 9-10.040 be disclosed outside the Department and its investigative agencies without prior approval of the Attorney General. The United States Attorneys may exercise their discretion, however, to place additional limits on the scope of confidentiality in capital cases prosecuted in their Districts.	Attorney General.
9-10.050	Prior to seeking an indictment for an offense subject to the death penalty, the United States Attorney is strongly advised, but not required, to consult with the Capital Case Unit.	Capital Case Unit, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-10.050	The United States Attorney must immediately notify the Capital Case Unit when a capital offense is charged and provide the Unit with a copy of the indictment and cause number, even if the materials described in USAM 9-10.080 are not yet ready for submission.	Capital Case Unit, Criminal Division.
9-10.080	The United States Attorney must submit to the Assistant Attorney General for the Criminal Division every case in which an indictment has been or will be obtained that charges an offense punishable by death or alleges conduct that could be charged as an offense punishable by death. The submissions to the Assistant Attorney General must be done as expeditiously as possible following indictment, but no fewer than 90 days before the Government is required, by an order of the court, to file a notice that it intends to seek the death penalty. In the absence of a court established deadline for the Attorney General's death penalty decision, the United States Attorney must make the submission sufficiently in advance of trial to allow for both the 90 day time period encompassed by the review process plus any additional time necessary to ensure that a notice of intent to seek the death penalty is timely filed under 18 U.S.C. § 3593(a). If a case is not submitted 90 days in advance of a deadline for the Attorney General's decision or 150 days in advance of a scheduled trial date, the prosecution memorandum should include an explanation of why the submission is untimely.	Assistant Attorney General, Criminal Division.
9-10.110	Absent the authorization of the Attorney General, the United States Attorney may not enter into a binding plea agreement that precludes the United States from seeking the death penalty with respect to any defendant falling within the scope of USAM Chapter 9-10.000.	Attorney General.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-10.110	For proposed plea agreements that precede a decision by the Attorney General to seek or not to seek the death penalty, the United States Attorney should send a request for approval to the Assistant Attorney General for the Criminal Division as early as possible, absent unavoidable circumstances, no later than 90 days prior to the date on which the Government would be required, by an order of the court or by the requirements of 18 U.S.C. § 3593(a), to file a notice that it intends to seek the death penalty.	Assistant Attorney General, Criminal Division.
9-10.140	Once the Attorney General has authorized the United States Attorney to seek the death penalty, the United States Attorney may not withdraw a notice of intention to seek the death penalty filed with the district court unless authorized by the Attorney General.	Attorney General.
9-11.101	Consultation is required before any grand jury report is initiated, whether by a regular or special grand jury. See also 9-11.330.	Chief of the Organized Crime and Racketeering Section, Criminal Division.
9-11.120	Approval is required to resubmit matter to a grand jury after no bill.	United States Attorney.
9-11.140	See 9-13.525 for DOJ policy regarding issuing subpoenas to obtain evidence or testimony from other countries.	Office of International Affairs, Criminal Division.
9-11.140	"Forthwith" subpoenas should be used only when an immediate response is justified and then may be used only with prior approval.	United States Attorney.
9-11.150	Prior approval is required to subpoena a target to the grand jury.	United States Attorney or Assistant Attorney General.
9-11.160	Prior approval is required to resubpoena a contumacious witness before successive grand juries and to seek civil contempt sanctions if the witness refuses to testify.	Assistant Attorney General, Criminal Division, through the Office of Enforcement Operations.



USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-11.242	Requests for appointments of Non-Department of Justice Government Attorneys as Special Assistant United States Attorneys or Special Assistant to the Attorney General so that they may appear before the grand jury must be made in writing.	Executive Office for United States Attorneys (or Office of Enforcement Operations, Criminal Division, if the less common Special Assistant or Special Assistant to the Attorney General appointment is to be used in cases or matters within the jurisdiction of the Criminal Division.).
9-11.260	Prior written approval is required to request a court for permission to disclose grand jury materials under Federal Rules of Criminal Procedure 6(e)(3)(E)(iv) (disclosure of 6(e) material to State and Local Law Enforcement Officials).	Assistant Attorney General for the Division having supervisory responsibility for the principal offenses being investigated. (If the Criminal Division has supervisory responsibility, such requests for approval should be sent to the Policy and Statutory Enforcement Unit of the Office of Enforcement Operations.).
9-11.300	Prior certification is required to empanel a special grand jury under 18 U.S.C. § 3331(a).	Chief of the Organized Crime and Racketeering Section, Criminal Division.
9-11.330	Notification is requested when a special grand jury (empaneled under 18 U.S.C. § 3331-- grand juries for organized crime) will be considering the issuance of a report, or will be preparing a report which the United States Attorney has not requested.	Chief of the Organized Crime and Racketeering Section, Criminal Division.
9-11.330	Approval of draft special grand jury (18 U.S.C. § 3331_ organized crime) reports is required before the draft report may be furnished to the special grand jury.	Chief of the Organized Crime and Racketeering Section, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-13.400	Approval is required to: subpoena, interrogate, arrest or indict members of the news media, or to subpoena the telephone toll records of the news media.	Attorney General, through the Division having supervisory authority over the offense charged. If the Criminal Division has supervisory authority, requests should be sent to the Policy and Statutory Enforcement Unit of the Office of Operations.  9-13.410, Approval is required to issue grand jury or trial subpoena to attorneys for information relating to the representation of client. Assistant Attorney General, Criminal Division, through the Office of Enforcement Operations.
9-13.410	Approval is required to issue grand jury or trial subpoena to attorneys for information relating to the representation of the client	Assistant Attorney General, Criminal Division, through the Office of Enforcement Operations
9-13.420	No application for a search warrant for a subject attorney's office may be made to a court without the express approval of the United States Attorney or pertinent Assistant Attorney General. In addition to obtaining approval from the United States Attorney or the pertinent Assistant Attorney judicial authorization for the search warrant, the federal prosecutor must consult with the Criminal Division.	Assistant Attorney General, Criminal Division, through the Office of Enforcement Operations.
9-13.500	Consultation is required before contacting any foreign or U.S. State Department official in relation to extradition of a fugitive or the obtaining of evidence in a criminal investigation or prosecution. Prior approval is required before attempting to do any act outside the United States relating to a criminal investigation or prosecution, including contacting a witness by telephone or mail.	Office of International Affairs, Criminal Division.
See Criminal Resource Manual 276	Consultation is required to determine whether the United States has a Mutual Legal Assistance Treaty with the country from which the evidence is sought.	Office of International Affairs, Criminal Division.
9-13.525	Written approval is required before issuing any subpoena to persons or entities in the United States for records located abroad.	Office of International Affairs, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-13.525	Prior approval is required to serve a subpoena ad testificandum on an officer or attorney of a foreign bank or corporation who is temporarily in United States when in connection with the operation of the foreign bank or corporation.	Office of International Affairs, Criminal Division.
9-13.526	Notification is required before filing civil forfeiture action pursuant to extraterritorial jurisdictional provision contained in 28 U.S.C. § 1355(b)(2) against assets in foreign country. Consultation is required before taking steps to present a foreign government, for enforcement or recognition, any civil or criminal forfeiture order entered in the United States for property located within the foreign jurisdiction.	Office of International Affairs, which will consult with Asset Forfeiture and Money Laundering Section.
9-13.534	Approval is required for travel to a foreign country in connection with criminal investigations, trials, or other criminal law enforcement related to official activity.	EOUSA approves with consent of Office of International Affairs.
9-13.540	Consultation is required regarding execution of foreign legal assistance requests that have not been routed through Office of International Affairs. 9-13.900.	Approval is required for an ex parte motion for tax returns and tax return information under 26 U.S.C. § 6103., Attorney General, Deputy Attorney General, Associate Attorney General, any Assistant Attorney General, any United States Attorney, any special prosecutor appointed under U.S.C. § 593, or any attorney in charge of a Criminal Division organized crime strike force established pursuant to 28 U.S.C. § 510.
9-15.210	Prosecutors may not act on any foreign extradition or provisional arrest request that comes from a source other than OIA.	Office of International Affairs, Assistant Attorney General, Criminal Division.
9-15.800	Written approval is required before prosecutors may agree, formally or informally, to prevent or delay extradition or deportation of cooperating aliens.	Assistant Attorney General, Criminal Division, Office of International Affairs

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-16.010	Prior Approval is required for consent to a plea of nolo contendere. See also USAM 9-27.520.	Attorney General, Associate Attorney General, Deputy Attorney General, or Assistant Attorney General with supervisory responsibility for the subject matter.
9-16.015	Prior Approval is required for consent to an Alford plea. See also USAM 9-27.400.	Attorney General, Associate Attorney General, Deputy Attorney General, or Assistant Attorney General with supervisory responsibility for the subject matter.
9-16.030	Consultation with investigative agencies and victims is necessary before entering into a plea agreement.	Relevant Investigative Agencies, and any known victim.
9-16.110	Prior approval is required for plea agreements with defendants who are candidates or members of Congress or federal judges.	Public Integrity Section, Criminal Division.
9-19.220	Prior Approval is required for search warrant applications for documentary materials in possession of third parties, such as physicians, attorneys, or clergymen.	United States Attorney or supervising DOJ attorney AND Deputy Assistant Attorney General for the division which supervises the underlying offense being investigated or prosecuted. With respect to offenses supervised by the Criminal Division, contact the Office of Enforcement Operations.
9-19.240	Approval is needed before a warrant is sought for seizure of any work product materials or other documentary materials possessed by a person reasonably believed to have a purpose to disseminate to the public a newspaper, book, broadcast, or other similar public communications that are governed by Title I of the Privacy Protection Act of 1980.	Deputy Assistant Attorney General, Criminal Division through the Office of Enforcement Operation's Policy and Statutory Enforcement Unit and the Computer Crime and Intellectual Property Section.
9-19.600	Prior Approval is required for search warrants for evidence of criminal tax offenses under the jurisdiction of the Tax Division.	Assistant Attorney General, Tax Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-21.050	Prior Approval is required to use, for investigative purposes, persons who are in the custody of the USMS or BOP, or who are under BOP supervision. This approval requirement applies whether the individual is sentenced or unsentenced, but it does not apply if the person in Federal custody has not yet been arraigned, unless 72 hours have passed.	Special Operations Unit, Office of Enforcement Operations, Criminal Division.
9-21.200	Approval is required of applications for Witness Security Program/Protection of Witnesses.	Attorney General; Deputy Attorney General; Associate Attorney General; Assistant Attorney General, Civil Rights Division (if a criminal civil rights matter is involved); Assistant Attorney General, Criminal Division; or the Director or Senior the Office of Enforcement Operations, Criminal Division.
9-21.400	Prior Approval is required for public disclosure of a witness's pending or actual participation in the Witness Security Program.	Witness Security Unit of the Office of Enforcement Operations, Criminal Division.
9-21.800	Prior approval is required to use any of the following persons as an informant: a currently protected witness, anyone relocated because of a witness's cooperation, or a former protected witness.	Witness Security Unit of the Office of Enforcement Operations, Criminal Division.
9-23.130	Authorization is required before requesting immunity.	Assistant Attorney General, Criminal Division, through Office of Enforcement Operations; (Antitrust AAG, Civil Rights AAG, Civil AAG, ENRD AAG, and Tax AAG may authorize compulsion orders also, but must obtain Criminal Division clearance.).
9-23.400	Prior written approval is required to initiate or recommend prosecution of an immunized person for an offense or offenses first disclosed in, or closely related to, immunized testimony or information.	Attorney General, through the Assistant Attorney General for the division that issued the letter of authority for requesting the original compulsion order. Through the Office of Enforcement Operations, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-24.000	See 9-24.000 for procedures for requesting special confinement conditions for BOP inmates whose communications pose a substantial risk of death or serious bodily injury to persons.	Attorney General through Office of Enforcement Operations, Criminal Division.
9-27.140	Approval is required for any significant modification of or departure from the principles of Federal Prosecution, if the modification or departure will be a matter of policy or regular practice.	Assistant Attorney General, Deputy Attorney General.
9-27.300	Approval is required not to file a sentencing enhancement under 21 U.S.C. § 851 (unless the failure to file the sentencing enhancement would not affect the applicable guideline range).	United States Attorney, Chief AUSA, or senior supervisory criminal AUSA.
9-27.400	Prior approval is required to dismiss readily provable charges.	United States Attorney, or other designated supervisory level attorney.
9-27.400	Prior approval is required to seek a departure other than one listed in Chapter 5, Part X of the United States Sentencing Guidelines.	United States Attorney, or other designated supervisory level attorney.
9-27.400	Prior approval to file a 5K1.1 motion for downward departure based upon substantial assistance.	United States Attorney, Chief AUSA, or senior supervisory criminal AUSA.
9-27.640	Prior Approval is required to enter into a nonprosecution agreement in exchange for cooperation when: 1) consultation or approval is required (by a statute or DOJ policy) for a declination of prosecution or dismissal of a charge with regard to which the agreement is to be made; or, 2) the person is a) a level federal, state, or local official, b) an official or agent of a federal investigative or law enforcement agency, or c) a person who is, or likely to become, of major public interest.	Assistant Attorney General, Criminal Division.
9-27.641	Prior written approval is required to enter into multi-district (global) plea agreements.	The United States Attorney in each affected district and/or Assistant Attorney General, Criminal Division, through the Witness Immunity Unit (AAG approval is needed only when there is a dispute between the USA's involved or when DOJ Criminal Division is involved in the case.).

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-41.010	When a matter referred to the United States Attorney pursuant to 18 U.S.C. 3057(a) (report of bankruptcy fraud) by a judge, receiver or trustee is declined, 18 U.S.C. Section 3057(b) requires that the United States Attorney report the facts of the case to the Attorney General for his direction. This statutory directive is satisfied by providing the Fraud Section, Criminal Division, with a concise summary of the facts of the case and the reasons for declining it. Concurrence with the decision to decline may be presumed if no disagreement is expressed by the Fraud Section.	Attorney General through Fraud Section, Criminal Division.
9-42.430	Consultation is required regarding prosecution or declination of a volunteer corporation under the Dept. of Defense Voluntary Disclosure Program.	Federal Procurement Fraud Unit of the Fraud Section, Criminal Division.
9-42.451	Express approval is required before prosecutors enter into any plea bargains involving Health and Human Services (HHS) programs that would attempt to include a commitment to forgo or restrict administrative remedies of HHS.	Health and Human Services.
9-47.110	Prior approval is required to institute an investigation or prosecution of cases involving alleged violations of Sections 103, 104, and 104A, and related violations of Section 102, of the Foreign Corrupt Practices Act (FCPA) of 1977 (15 U.S.C. (15 U.S.C. §§ 78m(b), 78dd-1, 78dd-2, 78dd-3).	Fraud Section, Criminal Division.
9-59.000	Prior approval is required to file charges under the Economic Espionage Act, 18 U.S.C. § 1831	Assistant Attorney through the Counterespionage Section of the Criminal Division.
9-60.112	Consultation is required before making a prosecutive determination involving possible violations of the peonage or involuntary servitude statutes.	Civil Rights Division, Criminal Section.
9-60.700	Consultation is required before initiating prosecution relating to a hostage taking occurring within United States. Approval is required if the hostage taking occurred outside the United States.	Assistant Attorney General, National Security Division, Counterterrorism Section.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-60.1200	Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment of a violation of 18 U.S.C. §§ 231-233, 2101, 2102 (civil disturbances and riots).	Counterterrorism Section, National Security Division.
9-63.135	Air Piracy within the special aircraft jurisdiction of the United States: Consultation is required before dismissing, in whole or in part, an indictment, information, or complaint containing air piracy charges or entering into any agreement to forego an air piracy prosecution that occurred within the special aircraft jurisdiction of the United States. 49 U.S.C. § 46502(a) in whole or in part, an indictment, information, or complaint containing air piracy charges or entering into any agreement to forego an air piracy prosecution that occurred within the special aircraft jurisdiction of the United States. 49 U.S.C. § 46502(a).	Counterterrorism Section, National Security Division.
9-63.181	Air Piracy outside the special aircraft jurisdiction of the United States: Approval is required to initiate a criminal investigation, commence grand jury proceedings, file an information or complaint, or seek the return of an indictment in matters involving overseas terrorism, including air piracy that occurs outside the special aircraft jurisdiction of the United States. Consultation is required before dismissing, in whole or in part, an indictment, information, or complaint containing air piracy charges or entering into any agreement to forego an air piracy prosecution that occurred outside the special aircraft jurisdiction of the United States.	Counterterrorism Section, National Security Division.
9-63.221	Prior approval is required for indictments alleging a violation of 18 U.S.C. § 32(b) (Aircraft Sabotage).	Assistant Attorney General, Criminal Division.
9-65.110	Telephonic notification is required immediately upon the initiation of any investigation under 18 U.S.C. § 1751.	Counterterrorism Section, National Security Division.
9-65.200	Prosecutors are encouraged to consult when in doubt of the prosecutive merit of a case when relating to the security of the persons protected by 18 U.S.C. § 871 (President, Vice-President, etc).	Counterterrorism Section, National Security Division.



USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-65.200	Prior approval is required to dismiss complaints under 18 U.S.C. § 871, when the defendant is in custody under the Mental Incompetency Statutes. In all other § 871 cases, consultation is required prior to dismissing a count involving, or entering into any sentence commitment or other case settlement.	Counterterrorism Section, National Security Division.
9-65.700	Notification is required immediately upon the initiation of an investigation under 18 U.S.C. § 351.	Counterterrorism Section, National Security Division.
9-65.811	Notification is required prior to arrest or indictment of members of Taiwan's Coordination Council for North American Affairs (CCNAA).	Counterterrorism Section, National Security Division.
9-69.200	Prior approval is required for investigations or prosecutions of perjury before Congress and contempt of Congress. See also USAM 9-90.550. (additional approval requirement regarding contempt of Congress relating to national security).	Fraud Section, Criminal Division.
9-69.200	Consultation is required before prosecuting an individual for perjury committed during a trial that resulted in acquittal.	Criminal Division through the Section having supervisory responsibility for the original offense charged.
9-69.460	Written approval is required before initiating a prosecution for a violation of 18 U.S.C. § 1073 (Flight to Avoid Prosecution, Custody, Confinement, or Giving Testimony).	Attorney General, Deputy Attorney General, Associate Attorney General, or Assistant Attorney General, through Domestic Security Section.
9-72.100	Approval is required of applications for S nonimmigrant visa classification.	Assistant Attorney General, Criminal Division through the Policy and Statutory Enforcement Unit of the Office of Enforcement Operations and the Department of Homeland Security.
9-73.801	Prior consultation is required to institute proceedings to revoke naturalization under 8 U.S.C. § 1451.	Office of Immigration Litigation, Civil Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-75.010	CEOS and Organized Crime and Racketeering jointly authorize RICO prosecutions that involve a predicate offense of obscenity, sexual exploitation of children or the transportation of children for illegal sexual activities. See also USAM chapter 9-110.	Child Exploitation & Obscenity Section; Organized Crime and Racketeering Section and the Child Exploitation & Racketeering Section.
9-75.030	Prior to initiating any activity in a district related to an investigation or prosecution, CEOS shall notify the United States Attorney for that District. If the United States Attorney objects to CEOS initiating the activity, the matter shall be resolved by the Deputy Attorney General. USAOs shall inform CEOS of all significant investigations and cases being prosecuted in the district as well as all significant judicial decisions issued in such cases.	Child Exploitation & Obscenity Section; Organized Crime and Child Exploitation & Racketeering Sections.
9-75.030	Notify CEOS re criminal investigations of sex trafficking of minors under 18 U.S.C. § 1591. See USAM 8-3.120.	Child Exploitation and Obscenity Sections, Criminal Division.
9-75.100	<p>In cases in which the target conducts business or commits the charged crimes in more than one district, USAOs shall notify CEOS prior to instituting charges against, or entering into a plea agreement with, the target.</p> <p>In cases where there are multiple targets who may be located in different districts, the USAO shall notify CEOS and the Child Exploitation and Obscenity Coordinator in the other districts prior to instituting charges against a target. This notification should occur as early in the investigative stage as possible to permit early resolution of venue issues, if any.</p>	Child Exploitation and Obscenity Section, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-75.110	CEOS shall be consulted during the development of a nationwide investigation (i.e., an investigation likely to have an impact in all or most of the districts) that will be supervised by a USAO attorney. The supervising attorney, whether from CEOS or USAO, shall notify all United States Attorneys of the nationwide investigation prior to its implementation. The supervising attorney conducting a nationwide investigation shall notify the Child Exploitation and Obscenity Coordinator in each district where a potential defendant is located as soon as that information is developed, and keep CEOS and the involved Coordinators apprised as to the progress of the investigation.	Child Exploitation and Obscenity Section, Criminal Division.
9-76.110	Consultation is required regarding settlement proposals under the Federal Aviation Act of 1958.	Federal Aviation Administration.
9-79.100	Consultation is required before prosecuting persons for violations of 18 U.S.C. § 2421 et seq., other than those engaged in commercial prostitution enterprises such as panderers, operators of houses of prostitution, or call-girl operations, and those acting for or in association with such persons.	Child Exploitation and Obscenity Section, Criminal Division.
9-79.400	Notification is required before declining to prosecute failure to register with the Selective Service. 18 U.S.C. App. § 462  Consultation is required prior to dismissing a count involving, or entering into any sentence commitment or other case settlement in a case involving failure to register with the Selective Service. 50 U.S.C. App. § 462.	Policy and Statutory Enforcement Unit, Office of Enforcement Operations, Criminal Division.
9-79.410	Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment for the offense of desecration of the flag.	Fraud Section, Criminal Division.
9-79.420	Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment of disclosure violations under 18 U.S.C. § 7213.	Public Integrity Section, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-85.200	<p>Prior approval (certification) is required for a prosecution of an offense under 18 U.S.C. § 245.</p> <p>Consultation is required before an investigation beyond a preliminary inquiry is requested, and before instituting grand jury proceedings based upon a federally protected activity identified in 18 U.S.C. § 245.</p>	Attorney General or Deputy Attorney General, through the Public Integrity Section, Criminal Division or the Criminal Section of the Civil Rights Division.
9-85.210	<p>Consultation is required in all federal criminal matters that focus on violations of federal or state campaign financing laws, federal patronage crimes, and corruption of the electoral process. These offenses include, but are not limited to, offenses described in: 18 U.S.C. §§ 241 to 242, 245, 592 to 611; 42 U.S.C. §§ 1973i(c), 1973i(e), and 1973gg-10; 2 U.S.C. §§ 431 to 455; and prosecutive theories that focus on corruption of electoral processes or campaign fundraising violations using 18 U.S.C. §§ 1341, 1343, and 1346; 18 U.S.C. § 1952; 18 U.S.C. §§ 1956 and 1957.</p> <p>With regard to federal campaign matters arising under 2 U.S.C. §§ 431-455, consultation is required before any inquiry is requested or conducted. With regard to all other election-related investigations (other than those described in 9-85.200 (Federally Protected Activities)), consultation is required before an investigation beyond a preliminary inquiry is requested, and before instituting grand jury proceedings, filing an information, or seeking an indictment. See also USAM 9-90.020, which requires consultation with the Internal Security Section before prosecuting 2 U.S.C. § 441e offenses.</p>	Public Integrity Section, Criminal Division.
9-85.220	Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment for violations of 18 U.S.C. §§ 210 and 211 (Purchase and Sale of Public Office).	Public Integrity Section, Criminal Division.
9-85.230	Consultation is required before instituting grand jury proceedings, filing an information, or seeking an indictment for violations of 18 U.S.C. § 1913 (Lobbying with Appropriated Funds).	Public Integrity Section, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-85.240	All allegations received by United States Attorneys concerning any individuals covered by the Ethics in Government Act (28 U.S.C. § 591) must be referred to the Department.	Public Integrity Section, Criminal Division.
9-90.020	Express prior approval is required for prosecution of offenses involving national security. Consultation is required before an arrest is made, search warrant is obtained, grand jury investigation is commenced, immunity is offered, indictment is presented, a prosecution is declined or an adverse ruling or decision is appealed in cases affecting national security. The following statutes are encompassed by these prior approval and consultation requirements when they relate to national security.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	1) 2 U.S.C. § 192, Contempt of Congress Related to National Security. See also 9-69.200 regarding other contempts of Congress.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	2) 2 U.S.C. § 261 et seq. Federal Regulation of Lobbying Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	3) 8 U.S.C. § 1185(b) and 18 U.S.C. §§ 1542-1544, Travel Controls of Citizens.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	4) 18 U.S.C. § 219 et seq., Officers and employees of United States Acting as Foreign Agents; and Conflicts of Interest.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	5) 18 U.S.C. § 791 et seq., Espionage; Unauthorized Disclosure of Classified Information.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	6) 18 U.S.C. § 952 et seq., Neutrality Laws.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	7) 18 U.S.C. § 1001, False Statements concerning membership in organizations advocating violent overthrow of government.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	8) 18 U.S.C. § 1030(a)(1), Computer Espionage.	Assistant Attorney General, National Security Division, through Counterespionage Section.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-90.020	9) 18 U.S.C. § 1071 et seq., Harboring.	Assistant Attorney General, Criminal Division, through Domestic Security Section.
9-90.020	10) 18 U.S.C. § 1073, Flight to Avoid Prosecution or Giving Testimony.	Assistant Attorney General, Criminal Division, through Domestic Security Section.
9-90.020	11) 18 U.S.C. § 1501 et seq., Obstruction of Justice.	Assistant Attorney General, Criminal Division, through Domestic Security Section.
9-90.020	12) 18 U.S.C. § 1542 et seq., Passport Violations Related to National Security.	Assistant Attorney General, Criminal Division, through Domestic Security Section.
9-90.020	13) 18 U.S.C. § 2151 et seq., Sabotage.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	14) 18 U.S.C. § 2381 et seq., Treason, Sedition and Subversive Activities.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	15) 18 U.S.C. § 2383, Inciting, Assisting or Engaging in Rebellion or Insurrection.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	16) 18 U.S.C. § 2385, Smith Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	17) 18 U.S.C. § 2386, Voorhis Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	18) 18 U.S.C. § 3150, Jumping Bail.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	19) 22 U.S.C. § 611 et seq, Foreign Agents Registration Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	20) 42 U.S.C. § 2273 et seq, Atomic Energy Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	21) 50 U.S.C. § 783 et seq, Communication of Classified Information by Government Officer or Employee.	Assistant Attorney General, National Security Division, through Counterespionage Section.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-90.020	22) 50 U.S.C. § 851-857, Registration of persons who have knowledge and received training in espionage.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	23) 50 U.S.C. § 421, Intelligence Identities Protection Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	24) 50 U.S.C. § 1701 et seq, International Emergency Economic Powers Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	25) 50 U.S.C. § 2401 et seq, Violations of the Export Administration Arms Export Control Act. 22 U.S.C. § 2778.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	26) 50 U.S.C. App. § 5(b), Trading with the enemy.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	Consultation is required in cases in which classified information plays a role in the prosecutive decision and for use of the Classified Information Procedures Act.	Assistant Attorney General, National Security Division, through Counterespionage Section.
9-90.020	Consultation is required before initiating a prosecution under 2 U.S.C. § 441e, § 441e, Campaign Contributions by Foreign Nationals. See also USAM 9-85.210, which requires consultation with the Public Integrity Section before initiating any investigation under this section.	Assistant Attorney General, National Security Division, through Counterespionage Section, Registration Unit.
9-90.100	The USAO National Security Coordinator must notify the Internal Security Section when national security issues arise in the course of prosecutions of offenses not related to the national security.	Attorney General, Deputy Attorney General, Assistant Attorney General, National Security Division, through Chief, Counterespionage Section.
9-90.210	Approval is required to request to search an Intelligence Community (IC) file in connection with a criminal investigation or prosecution.	United States Attorney or a senior designee AND the Counterespionage Section, National Security Division.
9-90.230	Prior to any grand jury appearance by a target who is an intelligence officer, asset, or other employee of the intelligence community, consultation with the intelligence agency whose information may be disclosed by the target's testimony is required.	Relevant Intelligence Agency through the Counterespionage Section, National Security Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-90.240	Notification is required if a district court or appellate court will not accept a substitution proposed by the government under CIPA section 6(c).	Counterespionage Section, National Security Division.
9-90.240	Approval is required to file an interlocutory appeal under section 7(a) of CIPA.	Counterespionage Section, National Security Division.
9-90.240	Notification is required if it becomes likely that an intelligence agency employee will testify in any criminal case.	Counterespionage Section, National Security Division.
9-105.300	Prior approval is required before commencement of investigation where jurisdiction to prosecute is based solely on extraterritorial jurisdiction provisions of 18 U.S.C. §§ 1956 and 1957.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.300	Prior approval is required to prosecute under 18 U.S.C. § 1956(a)(1)(A)(ii) when the sole or principal purpose of the financial transaction was to evade the payment of taxes. See also 9-105.750.	Assistant Attorney General, Tax Division.
9-105.300	Prior approval is required to prosecute attorneys under 18 U.S.C. § 1956 or § 1957 when the financial transaction is one involving attorneys' fees. See also 9-105.600 et seq.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.300	Prior approval is required before filing of criminal indictment or complaint in which a financial institution would be named as defendant or unindicted co-conspirator.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.310	Notification (by sending a copy of indictment or complaint) is required of all criminal cases that include charges under 18 U.S.C. § 1956 or § 1957, and all forfeiture cases involving 18 U.S.C. § 981 or § 982. Following sentencing, prosecutors should provide notification regarding the disposition of the case.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.320	Notification is required of all convictions of financial institutions, or any officer, director, or employee of a financial institution, for the following offenses: 18 U.S.C. §§ 1957 or 1960, or 31 U.S.C. § 5322.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.330	Consultation is required before filing a civil or criminal forfeiture action when forfeiture of a business is sought under the theory that business facilitated money laundering offenses.	Asset Forfeiture and Money Laundering Section, Criminal Division.



USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-105.330	Consultation is required before filing civil action under § 1956(b) against business entity.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.330	Consultation is required before filing an indictment or complaint when conduct to be charged as "specified unlawful activity" under 18 U.S.C. § 1956 and § 1957 consists primarily of one or more financial offenses or fraud offenses, and when the financial and money laundering offenses are so closely connected that there is no clear delineation between the underlying financial crime and the money laundering offense.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.330	Consultation is required prior to filing an indictment or complaint when the conduct to be charged as money laundering under § 1956 or § 1957, or when the basis for a forfeiture action under § 981 consists of the deposit of proceeds of specified unlawful activity into a domestic financial institution account that is clearly identifiable as belonging to the person(s) who committed the specified unlawful activity.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-105.750	Approval for use of specific intent language set forth in 18 U.S.C. § 1956(a)(1)(A)(ii) in proposed indictment when 1) indictment contains charges for which Tax Division authorization is required and 2) the intent to engage in conduct constituting a violation of 26 U.S.C. § 7201 or 26 U.S.C. § 7206 is the sole or principal purpose of the financial transaction which is the subject of the money laundering count. See also 9-105.300.	Assistant Attorney General, Criminal Section, Tax Division.
9-110.101	Prior approval is required to file a RICO criminal indictment or information or civil complaint, or to issue a civil investigative demand.	Organized Crime and Racketeering Section, Criminal Division.
Criminal Resource Manual 2084	Prior approval is required to file a motion for a restraining order in a RICO prosecution.	Organized Crime and Racketeering Section, Criminal Division.
9-110.801	Prior approval is required before any criminal prosecution under 18 U.S.C. § 1959 may be initiated by indictment or information.	Organized Crime and Racketeering Section, Criminal Division.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-111.600	Approval is required to retain cash in the amount of \$5,000 or more for evidentiary purposes.	Chief, Asset Forfeiture and Money Laundering Section, Criminal Division.
9-112.110	Approval is required for the judicial forfeiture of property that would not otherwise be forfeited administratively in cases that are not covered by the exception for compelling prosecutorial considerations or the exception for aggregation of seized property.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-112.220	Prior approval is required for denial by seizing agency of in forma pauperis petitions for waiver of cost bond in forfeiture cases.	Chief, Asset Forfeiture and Money Laundering Section, Criminal Division.
9-112.240	Prior approval is required for a pre-indictment ex parte application for a temporary restraining order in criminal forfeiture cases.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-113.103	Consultation is required before entering into settlements or plea agreements that return property that is the subject of administrative forfeiture proceedings.	Seizing Agency.
9-113.107	Approval is required for any settlement which provides for unsecured partial payments.	Asset Forfeiture and Money Laundering Section, Criminal Division, in consultation with the U.S. Marshals Service.
9-113.200	Consultation is required regarding a proposed settlement if a civil or criminal forfeiture claim is more than \$500,000, unless the original claim is between \$500,000 and \$5 million, and the difference between the original claim and the settlement amount does not exceed 15 percent of the original claim.	Consultation: Asset Forfeiture and Money Laundering Section, Criminal Division.
9-113.200	Approval is required for a settlement in which the difference between the original claim and the proposed settlement exceeds \$2 million or 15 percent of the original claim, whichever is greater.	Approval: Deputy Attorney General.
9-113.800	Written approval is required of any agreement to pay liens and mortgages to a lienholder prior to forfeiture under the Expedited Forfeiture Settlement Policy for Mortgage Holders.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-115.421	Approval is required to convey title through a general warranty deed or its equivalent.	Seized Assets Division, U.S. Marshals Service.

USAM SECTION	TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL	CONTACT
9-116.170	Approval is required to adopt state or local seizures directly for judicial forfeiture.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-116.520	Approval is required to transfer real property to state or local agencies for further transfer to other government agencies or non-profit agencies for use in the Weed and Seed Program.	Deputy Attorney General or designee, through Asset Forfeiture and Money Laundering Section.
9-116.400	Prior approval is required to share internationally.	Attorney General and Secretary of State through the Asset Forfeiture and Money Laundering Section, Criminal Division.
9-117.210	Prior approval is required to use funds from the Assets Forfeiture Fund to pay Equal Access to Justice (EAJA) awards arising from actions related to the forfeiture of property.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-118.000 et seq.	Approval is required of equitable sharing in the following circumstances: (1) in cases involving \$1 million or more in forfeited assets; (2) in multi-district cases; and (3) in cases involving real property transfers to a state or local agency for law enforcement related use.	Deputy Attorney General or designee.
9-118.000 et seq.	Approval is required for allocations from the Assets Forfeiture Fund to program participants for statutorily designated uses.	Deputy Attorney General or designee.
9-118.400	Approval is required of a seizing agency's decision to place property into the agency's own official use, if the liens on the property equal \$25,000 or one-third of the value, whichever is greater.	Chief, Asset Forfeiture and Money Laundering Section, Criminal Division.
9-118.400	Approval is required of the U.S. Marshals Service's decision to place personal property into official use by non-participating federal agencies, if: (1) the property is \$25,000 or more in value; or (2) liens on the property equal or exceed \$25,000, or one-third of the value, whichever is greater.	Chief, Asset Forfeiture and Money Laundering Section, Criminal Division.
9-118.400	Approval is required for the placement of real property into official use by any federal agency.	Attorney General.

<b>USAM SECTION</b>	<b>TYPE AND SCOPE OF REPORTING, CONSULTING, OR APPROVAL</b>	<b>CONTACT</b>
9-119.110	Notification is required within 10 working days of the denial of a request for expedited settlement made by a financial institution in real property cases.	Asset Forfeiture and Money Laundering Section, Criminal Division.
9-119.202	Prior approval to institute a criminal or civil forfeiture proceeding to forfeit an asset transferred to an attorney as fees for legal services.	Assistant Attorney General, Criminal Division, through the Asset Forfeiture and Money Laundering Section.
9-119.202 and 9-119.203	Prior approval to enter into a formal or informal, written or oral agreement to exempt an asset transferred to an attorney as fees for legal services from forfeiture, including the exemption of certain assets to pay attorneys' fees which are restrained as substitute assets.	Assistant Attorney General, Criminal Division, through the Asset Forfeiture and Money Laundering Section.
9-131.030	Consultation is required prior to criminal prosecution by filing an information or complaint, or seeking an indictment under 18 U.S.C. § 1951 (Hobbs Act) in cases involving labor-management disputes.	Organized Crime and Racketeering Section, Labor Management Unit, Criminal Division.
9-138.030	Consultation is required prior to instituting grand jury proceedings, filing an information, or seeking an indictment under either 29 U.S.C. § 504 or 29 U.S.C. § 1111.	Organized Crime and Racketeering Section, Labor Management Unit, Criminal Division.
9-138.040	Consultation is recommended with respect to convicted individuals who seek relief from the employment disabilities at 29 U.S.C. § 504 (labor union positions and labor relations consultants) and 29 U.S.C. § 1111 (employee pension and welfare benefit plan positions and consultants) which are imposed on individuals by operation of statute following sentencing.	Organized Crime and Racketeering Section, Labor Management Unit, Criminal Division.



U.S. Department of Justice

Executive Office for United States Attorneys

Office of the Director

Room 2261, RFK Main Justice Building  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

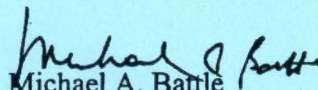
(202) 514-2121

**MEMORANDUM - Sent via Electronic Mail**

DATE: OCT 31 2006

TO: ALL UNITED STATES ATTORNEYS  
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS  
ALL CRIMINAL CHIEFS  
ALL ANTI-TERRORISM ADVISORY COORDINATORS

FROM:

  
Michael A. Battle  
Director

SUBJECT: Notification, Consultation, and Approval Requirements for International  
Terrorism Matters, Domestic Terrorism Matters, and Weapons of Mass  
Destruction, Torture, War Crimes, and Genocide Matters

CONTACT PERSON: Robert Behlen  
Assistant United States Attorney  
Counsel to the Director's Office  
(202) 514-2121  
[Robert.Behlen@usdoj.gov](mailto:Robert.Behlen@usdoj.gov)

Please find attached revised guidance with regard to the Department's policy on notification, consultation, and approval requirements for International Terrorism Matters (USAM, § 9-2.136), Domestic Terrorism Matters (USAM § 9-2.137), and Weapons of Mass Destruction, Torture, War Crimes and Genocide Matters (USAM § 9-2.138). The revised guidance was signed by the Deputy Attorney General on October 26, 2006.

Attachments

cc: All United States Attorney's Secretaries





U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

October 26, 2006

MEMORANDUM TO: All United States Attorneys  
All First Assistant United States Attorneys  
All Criminal Chiefs  
All Anti-Terrorism Advisory Council Coordinators

FROM: Paul J. McNulty *PJM*  
Deputy Attorney General

SUBJECT: Notification, Consultation, and Approval Requirements for  
International Terrorism Matters, Domestic Terrorism Matters, and  
Weapons of Mass Destruction, Torture, War Crimes and Genocide  
Matters

Please find attached revised guidance with regard to the Department's policy on notification, consultation, and approval requirements for International Terrorism Matters (USAM § 9.2-136), Domestic Terrorism Matters (USAM § 9.2-137), and Weapons of Mass Destruction (WMD), Torture, War Crimes and Genocide Matters (USAM § 9.2-138), which will be codified in the *United States Attorneys' Manual* (USAM) at the sections indicated. This policy replaces the existing USAM § 9.2-136 regarding international terrorism (IT) matters and adds new sections on domestic terrorism (DT) and WMD, torture, war crimes, and genocide matters. It also replaces the August 3, 1995, Memorandum from Attorney General Janet Reno, regarding Domestic Terrorism Activity.

This policy also revises and places into the USAM Deputy Attorney General James B. Comey's January 13, 2005, Memorandum on Interim Guidance Concerning Terrorism Matters which established a policy on these matters on a temporary basis, subject to review after one year to determine how it worked in practice. After that trial period, surveys of and discussions with prosecutors in the United States Attorneys' Offices (USAOs) and the Criminal Division indicated that the policy was working well and did not need major revision. Additional discussion between the Attorney General's Advisory Committee, the Criminal Division, representatives of the National Security Division, and the Office of the Deputy Attorney General resulted in minor revisions of the Interim Guidance to address issues that had been identified.



Memorandum to All United States Attorneys and others  
Subject: Notification, Consultation, and Approval Requirements for  
International Terrorism Matters, Domestic Terrorism Matters, and  
Weapons of Mass Destruction, Torture, War Crimes and Genocide  
Matters

Page 2

The prevention of terrorism is the first priority of the Department of Justice, and this policy is important in regulating the coordination between federal prosecutors in the field and at Main Justice in this critical and continually evolving area. WMD, torture, war crimes, and genocide matters have been relatively infrequent, and the policy regarding them may need adjustment after further experience applying it. Accordingly, I am directing that this policy be reviewed annually by the Attorney General's Advisory Committee and the National Security Division, which shall recommend to the Deputy Attorney General and the Attorney General any revisions that may be appropriate.

Attachment





U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

October 26, 2006

MEMORANDUM TO: Holders of the United States Attorneys' Manual

FROM: Paul J. McNulty *PJM*  
Deputy Attorney General

United States Attorneys' Manual Staff  
Executive Office for United States Attorneys

SUBJECT: Notification, Consultation, and Approval Requirements for  
International Terrorism Matters, Domestic Terrorism Matters, and  
Weapons of Mass Destruction, Torture, War Crimes and Genocide  
Matters

AFFECTS: USAM §§ 9-2.136 et seq., and USAM §9-2.400 Prior Approvals

The following guidance sets forth the Department's policy on notification, consultation, and approval requirements for International Terrorism Matters (USAM § 9.2-136), Domestic Terrorism Matters (USAM § 9.2-137), and Weapons of Mass Destruction (WMD), Torture, War Crimes and Genocide Matters (USAM § 9.2-138), which will be codified in the *United States Attorneys' Manual* (USAM) at the sections indicated. This policy replaces the existing USAM § 9.2-136 regarding international terrorism (IT) matters and adds new sections on domestic terrorism (DT) and WMD, torture, war crimes, and genocide matters. It replaces the August 3, 1995, Memorandum from Attorney General Janet Reno, regarding Domestic Terrorism Activity. This policy also revises and places into the USAM Deputy Attorney General Jim Comey's January 13, 2005, memorandum on Interim Guidance Concerning Terrorism Matters, which established a policy on these matters on a temporary basis, subject to review after one year to determine how it worked in practice. This review has taken place and has resulted in the following revisions:

1. Most references to the Criminal Division are replaced by references to the National Security Division (NSD), reflecting the move of the Counterterrorism Section (CTS) and responsibility for terrorism matters to the NSD.



Memorandum to Holders of the United States Attorneys' Manual  
Subject: Notification, Consultation, and Approval Requirements for  
International Terrorism Matters, Domestic Terrorism Matters, and  
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2. In an effort to make the policy easier to understand, it adds various emphasis (bolding, underlining, and italics) and cross-references. It also clarifies what qualifies as an "international terrorism" matter and the provision excluding "routine" hoax and threat matters from approval requirements. A flowchart for applying the policy for International Terrorism Matters, which will be placed into the Criminal Resource Manual, is also attached.
3. The Interim Guidance did not discuss requirements for pen registers and trap and trace orders. These routine court filings were added to the provision discussing grand jury subpoenas as a process that requires consultation with CTS and other affected USAOs, but only where CTS or another USAO has a related investigation.
4. An area in which USAOs were frequently not complying with the Interim Guidance was the requirement of notification to CTS of the declination of "Category 1" matters, particularly notice of immediate declinations. The declination-reporting requirement has been moved to the list of "significant developments" in IT matters that should be reported to CTS. In practice, this will mean that only when an IT matter has been "initiated," which requires notice to CTS, will the later declination of that matter also require notice to CTS. This should provide the notification that Main Justice needs to be aware of developments and also assist the USAO and CTS to keep their inventory of pending IT matters consistent, while avoiding the need for the USAO to notify CTS of referrals that are so inconsequential or so quickly resolved as to not result in the initiation of a matter.
5. The domestic terrorism provision adds introductory and other language, but the basic requirement -- notification of the initiation of and significant developments in DT matters -- is not changed.

The Prior Approval Chart set forth at USAM §9-2.400 will be updated accordingly.

I am directing that this policy be reviewed annually by the Attorney General's Advisory Committee and the National Security Division, which shall recommend to the Deputy Attorney General and the Attorney General any revisions that may be appropriate.

Attachment



## **§ 9-2.136. Notification, Consultation, and Approval Requirements for International Terrorism Matters**

### **A. The Need for a Consistent and Coordinated National Enforcement Strategy for International Terrorism Matters.**

Faced with the growing threat of international terrorism and in order to implement this nation's obligations under various international conventions designed to prevent and punish acts of terrorism, Congress has enacted significant legislation to expand the jurisdiction of the United States to investigate and prosecute terrorist activities occurring within and outside the territorial jurisdiction of the United States. Following the terrorist attacks of September 11, 2001, the Attorney General implemented various initiatives to ensure an aggressive, consistent, and coordinated national enforcement program to prevent, disrupt, and punish international terrorism. The Department and the Congress also emphasized the need for robust sharing of information related to terrorism between and among Department components and other Executive Branch agencies, including the need for relevant information collected at headquarters components to flow to the field as well as information flowing from the field to headquarters. In view of the expanded Federal criminal jurisdiction over and importance of international terrorism matters and the obvious need to ensure a well-coordinated Federal response to such matters, the following policy is established in regard to international terrorism, including terrorist acts planned or committed outside the territorial jurisdiction of the United States over which Federal criminal jurisdiction exists and those within the United States involving international terrorists and terrorist groups. The coordination is conducted by the National Security Division (NSD) and, in particular, by its Counterterrorism Section (CTS).

### **B. What Constitutes an "International Terrorism" Investigation.**

*The requirements in this section apply to all investigations involving an identified link to international terrorism.* If the United States Attorney's Office (USAO) or the referring agency has opened the investigation as an international terrorism matter (such as an FBI 315 file), or if the matter is being investigated as an international terrorism matter by a Joint Terrorism Task Force, the matter will presumptively qualify as an international terrorism investigation. In addition, other investigations in which links to international terrorism are identified after the investigation is initiated will qualify at that point as international terrorism matters for purposes of this section, regardless of the statutory violation initially presented or ultimately charged and regardless of the referring agency. If there is any question about whether a matter involves international terrorism, all doubt should be resolved in favor of consultation with CTS.

The *notification, consultation, and information-sharing* provisions of this section apply in all international terrorism matters. The *approval* requirements depend on whether the Federal statute to be utilized in certain court actions is listed in Category 1 below, in which case approval is presumptively required, or Category 2, in which case approval is presumptively not required.



## 1. International Terrorism Statutes (Category 1)

The Federal statutes listed in this subsection represent the intent of Congress to expand the jurisdiction of the United States to investigate and prosecute international terrorism or are utilized regularly in international terrorism matters. *If a Category 1 statute is being used in a terrorism investigation that is not entirely domestic – i.e., a terrorism investigation that involves foreign nationals, foreign locations, or connections to foreign countries or groups – the matter shall be deemed an international terrorism matter.* This includes use of a listed statute as the object of a conspiracy or as a predicate for a RICO or other offense.

- Terrorist Acts Abroad Against United States Nationals (18 U.S.C. § 2332)
- Terrorism Transcending National Boundaries (18 U.S.C. § 2332b)
- Hostage Taking (18 U.S.C. § 1203)
- Aircraft Piracy (49 U.S.C. § 46502)
- Aircraft Sabotage (18 U.S.C. § 32)
- Conspiracy Within the United States to Murder, Kidnap, or Maim Persons or to Damage Certain Property Overseas (18 U.S.C. § 956)
- Providing Material Support to Terrorists (18 U.S.C. § 2339A)
- Providing Material Support to Designated Terrorist Organizations (18 U.S.C. § 2339B)
- Prohibition Against Financing of Terrorism (18 U.S.C. § 2339C)
- Violations of IEEPA (50 U.S.C. § 1705(b)) involving E.O. 12947 (Terrorists Who Threaten to Disrupt the Middle East Peace Process); E.O. 13224 (Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism or Global Terrorism List); and E.O. 13129 (Blocking Property and Prohibiting Transactions With the Taliban)
- Harboring Terrorists (18 U.S.C. § 2339)
- Terrorist Attacks Against Mass Transportation Systems (18 U.S.C. § 1993)
- Use of Biological, Nuclear, Chemical or Other Weapons of Mass Destruction (18 U.S.C. §§ 175, 175b, 229, 831, 2332a)
- Sabotage of Nuclear Facilities or Fuel (42 U.S.C. § 2284)
- Crimes Against Internationally Protected Persons (18 U.S.C. §§ 112, 878, 1116, 1201(a)(4))
- Bombings of places of public use, Government facilities, public transportation systems and infrastructure facilities (18 U.S.C. § 2332f)



- Production, Transfer, or Possession of Variola Virus (Smallpox) (18 U.S.C. § 175c)
- Participation in Nuclear and WMD Threats to the United States (18 U.S.C. § 832)
- Missile Systems designed to Destroy Aircraft (18 U.S.C. § 2332g)
- Production, Transfer, or Possession of Radiological Dispersal Devices (18 U.S.C. § 2332h)
- Receiving Military-Type Training from an FTO (18 U.S.C. § 2339D)
- Narco-Terrorism (21 U.S.C. § 1010A)
- Animal Enterprise Terrorism (18 U.S.C. § 43)

## 2. Other International Terrorism Matters (Category 2)

A variety of other Federal statutes may also be used to prevent, disrupt, and punish international terrorists. These include the statutes listed below as well as many other Federal offenses including, but not limited to, fraud offenses, immigration offenses, firearms charges, drug crimes, and false statement, perjury, and obstruction of justice offenses. While these statutes may be used in a variety of contexts, some not involving terrorism at all and others involving only domestic terrorism, *if the investigation in which the statute is used involves an identified link to international terrorism*, including but not limited to any link or reference to a designated Foreign Terrorist Organization (FTO), it is encompassed by the policy set forth in this section.

- Arsons and Bombings (18 U.S.C. §§ 842(m), 842(n), 844(f), 844(i))
- Unlicensed Money Remitter Charges (18 U.S.C. § 1960)
- Protection of Computers (18 U.S.C. § 1030)
- False Statements (18 U.S.C. § 1001)
- Violence at International Airports (18 U.S.C. § 37)
- Killings in the Course of Attack on a Federal Facility (18 U.S.C. § 930(c))
- Crimes in the Special Aircraft Jurisdiction other than Aircraft Piracy (49 U.S.C. §§ 46503-46507)
- Crimes Committed Within the Special Maritime and Territorial Jurisdiction of the United States (18 U.S.C. §§ 7, 113, 114, 115, 1111, 1112, 1201, 2111)
- Wrecking Trains (18 U.S.C. § 1992)
- Destruction of Interstate Gas or Hazardous Liquid Pipeline Facilities (49 U.S.C. § 60123(b))



- Destruction of Communication Lines (18 U.S.C. § 1362)
- Destruction of National Defense Materials, Premises, or Utilities (18 U.S.C. § 2155)
- Sea Piracy (18 U.S.C. § 1651)
- Violence against Maritime Navigation and Maritime Fixed Platforms (18 U.S.C. §§ 2280, 2281)
- International Traffic in Arms Regulations (22 U.S.C. § 2778, and the rules and regulations promulgated thereunder, 22 C.F.R. § 121-130)
- Genocide (18 U.S.C. § 1091)
- Torture (18 U.S.C. § 2340A)
- War Crimes (18 U.S.C. § 2441)
- False Information and Hoaxes (18 U.S.C. § 1038)

**C. Channels for Communications Between the USAO and the National Security Division.**

Communications regarding the notification, consultation, information-sharing, and approval requirements of this section should normally be made between the Anti-Terrorism Advisory Council (ATAC) Coordinator or other designated Assistant United States Attorneys (AUSAs) in the USAO and the Regional ATAC Coordinator or designated Trial Attorney in the Counterterrorism Section (CTS). If necessary, including if the usual contact is unavailable, communications may also be directed from the National Security Division to supervisory AUSAs or to the United States Attorney, and from the USAO to the CTS National ATAC Coordinator, a CTS supervisor, or the CTS Chief or the AAG or his/her staff. Communications need only be made through a single channel; multiple communications on the same matter are not required. If a substantive offense being discussed is within the area of responsibility of another section of the National Security Division (*e.g.*, Arms Export Control Act- Counterespionage Section) or the Criminal Division (*e.g.*, Torture - Domestic Security Section), CTS will be responsible for coordinating the matter with that section.

The main CTS telephone number is (202) 514-0849. After business hours, all CTS attorneys and the CTS duty officer may be reached by calling the Justice Command Center at (202) 514-5000.

**D. USAO Notification of CTS is Required Regarding Initiation of and Significant Developments in All International Terrorism Matters.**

**Initiation.** The USAO shall notify CTS when any international terrorism matter is opened. The notification should include the names and identifiers, if known, of subjects of the investigation and a general overview of the investigation, so that CTS may attempt to identify linkages to, and deconflict the investigation with, investigations that may be ongoing in other districts or within CTS and may raise any concerns about the proposed investigation. To allow



this process, notification should be made in advance where practicable and otherwise as soon as possible, but the USAO should not delay in taking necessary investigative action, particularly where such action is covert. Notification may be made by email or telephone; or, as necessary to protect classified and sensitive information, by secure fax or telephone; and may utilize the standard Case Notification Form available from CTS if preferred. If after notification, CTS determines that there are related matters pending in other districts that could be affected by investigative action in the new matter, CTS will so inform the USAO and will advise the other districts of the new matter.

**Significant Developments.** In all international terrorism matters, the USAO shall notify CTS of significant developments in the investigation and prosecution, including the filing of search warrants; the filing of material witness warrants; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of plea agreements; the initiation and results of trials; and the results of sentencing and appeals. (As discussed in subsection H below, in certain international terrorism matters, some of these court actions also require prior approval of the National Security Division.) CTS will be responsible for reporting to the Department's leadership on such developments, although the USAO should also send Urgent Reports on such matters as required by USAM § 3-18.200.

**E. USAO Consultation with CTS is Encouraged in All International Terrorism Investigations and is Required Before Issuing Grand Jury Subpoenas in Overlapping Investigations.**

Consultation between USAOs and CTS is encouraged in all international terrorism matters. Consultation at the inception of an investigation facilitates consideration of the full range of investigative tools now available and discussion of investigative strategy. Consultation on significant investigative and prosecution developments also facilitates coordination, as necessary and appropriate, with other Department components and with other law enforcement, intelligence, defense and other agencies; such coordination is often done in practice, and sometimes must be done pursuant to Attorney General guidelines or by request of the other components and agencies, at the headquarters level. Consultation promotes careful evaluation of intelligence, defense, foreign policy and other governmental interests that often affect investigative tactics and strategies, charging decisions, discovery (including such issues as defendants' access to detained enemy combatants), use of classified information, use of expert witnesses and cooperating witnesses and defendants from other jurisdictions, jury instructions, sentencing issues, and similar concerns.

**Grand Jury Subpoenas and Pen/Trap Orders.** Where a USAO is aware that another USAO or CTS has a related international terrorism matter opened, the USAO shall not issue grand jury subpoenas or apply for a pen register or trap and trace order that may impact such related matters without *first consulting* with CTS and the other district.

**F. CTS is Required to Share Relevant Information With Affected USAOs.**

When CTS becomes aware, through contacts with USAOs, other National Security Division and Criminal Division Sections and Department components, including the FBI, other agencies, or otherwise, of information that may be relevant to an international terrorism matter pending in a USAO, including relevant investigative action that may be planned in another district and issues regarding FISA searches or electronic surveillance, CTS shall share that



information directly with the USAO as soon as practicable and to the extent authorized by the originator of the information. Where relevant information is known to CTS but cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.

**G. CTS Intranet Website Will Be Accessible to USAOs.**

To the extent practical and permitted by classification, need-to-know, operational security, court sealing, and similar restrictions, CTS should also share available information about activities in terrorism matters generally with all USAOs. A large amount of such information, including the CTS Daily Reports, is available to USAOs through the CTS intranet website. United States Attorneys, ATACs, and other AUSAs with a need to know may obtain licenses allowing access to the CTS website by contacting EOUSA.

**H. Prior Express Approval of the Assistant Attorney General of the National Security Division or His Designee is Presumptively Required Regarding Certain Court Actions in Category 1 Matters, and is Required in Category 2 Matters Where Requested By the Assistant Attorney General.**

*Prior express approval* of the Assistant Attorney General of the National Security Division (AAG) or his designee is presumptively required for certain court actions involving the international terrorism-focused (Category 1) statutes. Prior approval is required in other (Category 2) international terrorism matters only upon AAG request. Prior approval is required for the following court actions:

- (1) Filing an application for a search warrant.
- (2) Filing an application for a material witness warrant.
- (3) Filing a criminal complaint or information or seeking the return of an indictment.
- (4) Filing a superseding complaint or information, or seeking the return of a superseding indictment.
- (5) Dismissing a charge for which AAG approval was initially required, including as part of a plea agreement. (See also the discussion of other plea agreements later in this Section.)
- (6) Other specific court filings as requested by the AAG.

In other words, if the court document in an international terrorism matter utilizes a Category 1 statute listed in subsection B.1. above, the AAG or his designee must approve the action in advance unless the AAG advises the USAO that he does not seek to exercise approval authority in the particular matter or with regard to the particular court filing. For example, the AAG may determine after reviewing a routine search warrant in a Category 1 case that he does not need to review any similar search warrants in that particular case. This approval requirement applies whether the Category 1 statute is used as a substantive offense or as the object of a conspiracy or a predicate offense for a RICO or other violation. The approval requirement also applies to "hoax" and "threat" cases that utilize Weapons of Mass Destruction or other Category



1 statutes.

In the many other international terrorism matters in which court documents do not utilize one of the Category 1 statutes – such as cases using one of the more general Category 2 statutes described in subsection B.2. above – then prior approval is required only if the AAG advises the USAO that he wishes to exercise approval authority for some or all of the court actions in the particular matter. Note that in cases not requiring AAG approval, the USAO should still notify CTS of these sorts of court actions as significant developments in the matter, as discussed in subsection D above.

If the United States Attorney believes that AAG approval is not warranted in a case in which the AAG has requested to exercise approval authority for some or all of the court actions in the particular matter, the United States Attorney may appeal to the Deputy Attorney General for a determination of whether such approval is necessary.

**Indictments, Informations, and Complaints.** Where prior approval is required, the USAO should make the application for approval through CTS. In such cases, submission to CTS of a prosecution memorandum and a copy of the proposed indictment, information, or complaint is normally required prior to seeking authorization for charges, although CTS may waive this requirement in a particular case. The final draft of the proposed charge must be provided to CTS before final AAG approval will be sought. Attorneys are encouraged to seek informal guidance from CTS throughout the investigation and well before a final indictment and prosecution memorandum are submitted for review. The submitting AUSA must allocate sufficient lead time to permit review, revision, discussion, and the scheduling of the grand jury. The information provided should indicate both the proposed date for the investigatory action and the proposed date by which the USAO needs a response. If CTS is unable to respond within the time frame suggested by the USAO, CTS must immediately notify the USAO to determine an acceptable time frame agreed to by both parties. A well-written, carefully organized prosecution memorandum is the greatest guarantee that a prosecution will be authorized quickly and efficiently.

**Significant Filings.** In approval cases, once charges have been filed in court, a copy of the file-stamped charging document shall be provided to CTS. CTS shall also be notified and provided copies of any significant court rulings in the case. In addition, copies of motions, jury instructions and briefs filed by the USAO, as well as the defendant(s), should be forwarded to CTS for retention in a central reference file. The government's briefs and motions will provide assistance to other USAOs handling similar matters. Once a verdict has been obtained, the USAO shall forward to CTS the verdict on each count of the indictment and the sentence(s) received by each defendant.

**Plea Agreements.** Before entering into a plea agreement in a case in which court documents utilize one of the Category 1 statutes (or cases using Category 2 statutes in which the AAG makes a request), the USAO shall *notify and seek the concurrence of* the AAG, with any disagreement to be resolved by the Deputy Attorney General.

#### **I. Exigent Circumstances.**

If exigent circumstances require a USAO to take immediate action in an international terrorism matter without complying with the consultation or prior approval requirements set forth above, the USAO must *notify* CTS of any action taken as soon as practicable thereafter and the



exigent circumstances that precluded obtaining prior approval. The USAO shall provide copies of any court filings made. If the AAG determines that further review or action appears appropriate, the AAG and the USAO will confer on how best to proceed. Any disagreements will be resolved by the Deputy Attorney General.

**J. Attorney General Certification Under 18 U.S.C. § 2332.**

Pursuant to statute, the written certification of the Attorney General is required to allege a violation of 18 U.S.C. § 2332. This certification represents a finding that the offense was intended to coerce, intimidate or retaliate against a government or civilian population. Application for this certification should be made through CTS, allowing sufficient lead time for review and transmittal to the Attorney General.

**§ 9-2.137. Notification Requirements in Domestic Terrorism Matters.**

Domestic terrorists pose a significant threat to the safety and well-being of the United States. To a significant degree, this threat arises in connection with movements and groups whose existence spans multiple jurisdictions or even the entire nation, making effective coordination of these matters critical. This may include matters in which there is a reason to believe that a subject, target, or defendant may lead, belong to, or otherwise participate in the activities of an organization that is the subject of a preliminary or full field FBI Terrorism Enterprise Investigation (TEI), and other matters within the definition of "domestic terrorism" (See Title 18, United States Code § 2331(5)).

The USAO shall *notify* CTS, through its CTS Regional Coordinator, the CTS Domestic Terrorism Coordinator, or the National Anti-Terrorism Advisory Council (ATAC) Coordinator, of the initiation and significant developments in domestic terrorism investigations (*i.e.*, a terrorism investigation that does not involve foreign nationals, foreign locations, or connections to foreign countries or groups). Department approval is not required for the initiation, investigation, or prosecution of domestic terrorism matters; however, notification to CTS regarding these cases will allow for general coordination and deconfliction of such matters, enhance opportunities to recognize overlap with international terrorism matters, and allow CTS to track developments in the FBI TELs that CTS reviews. CTS attorneys are also available for consultation on such investigations and prosecutions. This notification requirement replaces the monthly domestic terrorism reports previously required to be filed with EOUSA by the USAOs.

When CTS becomes aware, through contacts with USAOs, other National Security Division and Criminal Division Sections and Department components including the FBI, other agencies, or otherwise, of information that may be relevant to a domestic terrorism matter pending in a USAO, including relevant investigative action that may be planned in another district, CTS shall share that information directly with the USAO as soon as practicable and to the extent authorized by the originator of the information. Where relevant information is known to CTS but cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.



**§ 9-2.138. Notification, Consultation, and Approval Requirements for Weapons of Mass Destruction (WMD), Torture, War Crimes, and Genocide Matters.**

**A. Nationwide Enforcement Policy is Required.**

Matters involving the Weapons of Mass Destruction (WMD) (18 U.S.C. §§ 175, 175b, 175c, 229, 831, 832, 2332a, and 2332h), torture (18 U.S.C. § 2340A), war crimes (18 U.S.C. § 2441) and genocide (18 U.S.C. § 1091) statutes may involve international terrorism, *in which case they are covered by the policy set forth in USAM § 9-2.136* rather than by this section. Even if the matters do not involve international terrorism, however, the importance and sensitivity of these matters and the untested nature of these statutes requires a consistent national approach as established in the following policy.

The policy is coordinated by the National Security Division. The Counterterrorism Section (CTS) is the initial point of contact for these matters. If CTS determines that a WMD, torture, war crimes, or genocide matter does not involve terrorism, it will refer the matter to the Criminal Division's Domestic Security Section (DSS).

**B. What Constitutes a WMD, Torture, War Crimes, or Genocide Matter.**

**WMD.** The Department is seeing an increasing number of investigations involving the use of chemical, biological, radiological, and nuclear (CBRN) material and agents, as well as large scale explosive devices intended to cause catastrophic damage and weapons that seek to combine CBRN and ordinary explosives. *The requirements in this section apply in all investigations in which the USAO contemplates charging an offense under the WMD statutes (18 U.S.C. §§ 175, 175b, 175c, 229, 831, 832, 2332a, and 2332h), regardless of the statutory violation initially presented or ultimately charged and regardless of the referring agency.*

**Exception for "Routine" WMD-related Hoax and Threat Matters.** The USAO is not required to follow the approval requirements of this section if the case is a "routine" threat or hoax case. A case is not routine if (1) the USAO intends to charge an offense under the WMD statutes; (2) the matter affects other districts; or (3) the matter is expected to attract national public or media attention. Notification to CTS of routine hoax and threat matters is still encouraged.

**Torture, War Crimes, and Genocide.** *The requirements in this section apply in all investigations in which the USAO contemplates charging an offense under the Torture Statute (18 U.S.C. §§ 2340-2340A), the War Crimes Statute (18 U.S.C. § 2441), and/or the Genocide Statute (18 U.S.C. §§ 1091-1093), or charging any other offense (such as a violation of 18 U.S.C. §§ 1001 or 1546) where proof of the other offense (i.e., of the false statement or fraud) will require defining and proving that torture, a war crime, or genocide was committed.*

The Torture Statute, enacted in 1994, implements the U.N. Torture Convention and permits prosecution for torture committed outside the United States in or after 1994 by a U.S. national or anyone found in the United States. The War Crimes Statute, 18 U.S.C. § 2441, enacted in 1996, authorizes prosecution for war crimes under specific international treaties, but is limited to circumstances in which the perpetrator or victim is a member of the armed forces of the United States or a U.S. national. The Genocide Statute, enacted in 1988, implements the Genocide Convention. It criminalizes certain acts calculated to destroy, in whole or in substantial part, a national, ethnic, racial or religious group. However, it is limited to persons who commit or



incite such acts in the United States or to U.S. nationals who commit such acts anywhere.

**C. USAO Notification of the National Security Division or the Criminal Division is Required Regarding Initiation Of and Significant Developments in All WMD, Torture, War Crimes, and Genocide Matters.**

**Initiation.** The USAO shall *notify* the Counterterrorism Section (CTS) of the National Security Division when any WMD, torture, war crimes, or genocide matter is opened. The notification should include the names and identifiers, if known, of subjects of the investigation and a general overview of the investigation, so that CTS may attempt to identify linkages to, and deconflict the investigation with, investigations that may be ongoing in other districts or within CTS and may raise any concerns about the proposed investigation. To allow this process, notification should be made in advance where practicable and otherwise as soon as possible, but the USAO should not delay in taking necessary investigative action, particularly where such action is covert. Notification may be made by email or telephone; or, as necessary to protect classified and sensitive information, by secure fax or telephone, and may utilize the standard Case Notification Form available from CTS if preferred. If after notification, CTS determines that there are related matters pending in another district that could be affected by investigative action in the new matter, CTS will so inform the USAO and will advise the other districts of the new matter. If CTS determines that a torture, war crimes, or genocide matter does not involve terrorism, CTS will refer the matter to be handled by the Domestic Security Section (DSS) of the Criminal Division.

**Significant Developments.** The USAO shall *notify* CTS or DSS (in non-terrorism matters handled by DSS) of any significant development in the investigation and prosecution, including the filing of search warrants; the filing of material witness warrants; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of plea agreements; the initiation and results of trials; and the results of sentencing and appeals. (As discussed in subsection E below, in certain matters, some of these court actions also require prior approval of the Criminal Division or National Security Division.)

**Consultation.** The USAO is also encouraged to consult with CTS or DSS on issues such as investigative tactics and strategies, discovery, use of expert witnesses and cooperating witnesses and defendants from other jurisdictions, jury instructions, and sentencing issues.

**Grand Jury Subpoenas and Pen/Trap Orders.** Where a USAO is aware that another USAO or CTS has a related matter opened, the USAO shall not issue grand jury subpoenas or apply for a pen register or trap and trace order that may impact such related matters without *first consulting* with CTS and the other district.

**D. The National Security Division and the Criminal Division are Required to Share Relevant Information With Affected USAOs.**

When CTS or DSS becomes aware, through contacts with USAOs, other National Security Division or Criminal Division sections and Department components including the FBI, other agencies, or otherwise, of information that may be relevant to a WMD, torture, war crimes, or genocide matter pending in a USAO, including relevant investigative action that may be planned in another district, CTS or DSS shall share that information with the USAO as soon as practicable and to the extent authorized by the originator of the information. Where relevant



information is known to CTS or DSS but cannot be shared with a USAO due to originator requirements, CTS or DSS shall request that the originator authorize such sharing.

**E. Prior Express Approval of the Assistant Attorney General of the National Security Division or Criminal Division or His Designee is Required Regarding Certain Court Actions in WMD, Torture, War Crimes, and Genocide Matters.**

*Prior express approval* of the Assistant Attorney General (AAG) of the National Security Division or the Criminal Division (depending on whether CTS or DSS is handling the matter) or his designee is required for the following court actions involving WMD, torture, war crimes, and genocide matters:

- (1) Filing an application for a search warrant.
- (2) Filing an application for a material witness warrant.
- (3) Filing a criminal complaint or information or seeking the return of an indictment.
- (4) Filing a superseding complaint or information, or seeking the return of a superseding indictment.
- (5) Dismissing a charge for which AAG approval was initially required, including as part of a plea agreement. (See also the discussion of other plea agreements later in this Section.)
- (6) Other specific court filings as requested by the AAG.

Where prior approval is required, the USAO should make the application for approval through CTS or, in non-terrorism matters, through DSS. In such cases, submission to CTS or DSS of a prosecution memorandum and a copy of the proposed indictment, information, or complaint, is normally required prior to seeking authorization, although CTS or DSS may waive this requirement in a particular case. The final draft of the proposed charge must be provided to CTS or DSS before final AAG approval will be sought. Attorneys are encouraged to seek informal guidance from CTS or DSS throughout the investigation and well before a final indictment and prosecution memorandum are submitted for review. The submitting AUSA must allocate sufficient lead time to permit review, revision, discussion, and the scheduling of the grand jury. The information provided should indicate both the proposed date for the investigatory action and the proposed date by which the USAO needs a response. If CTS or DSS is unable to respond within the time frame suggested by the USAO, CTS or DSS must immediately notify the USAO to determine an acceptable time frame agreed to by both parties. A well-written, carefully organized prosecution memorandum is the greatest guarantee that a prosecution will be authorized quickly and efficiently.

In approval cases, once charges have been filed in court, a copy of a file-stamped charging document shall be provided to CTS or DSS. CTS or DSS shall also be notified and provided copies of any significant court rulings in the case. In addition, copies of motions, jury instructions and briefs filed by the USAO, as well as the defendant(s), should be forwarded to CTS or DSS for retention in a central reference file. The government's briefs and motions will provide assistance to other USAOs handling similar matters. Once a verdict has been obtained, the



USAO shall forward to CTS or DSS the verdict on each count of the indictment and the sentence(s) received by each defendant.

**F. Plea Agreements.**

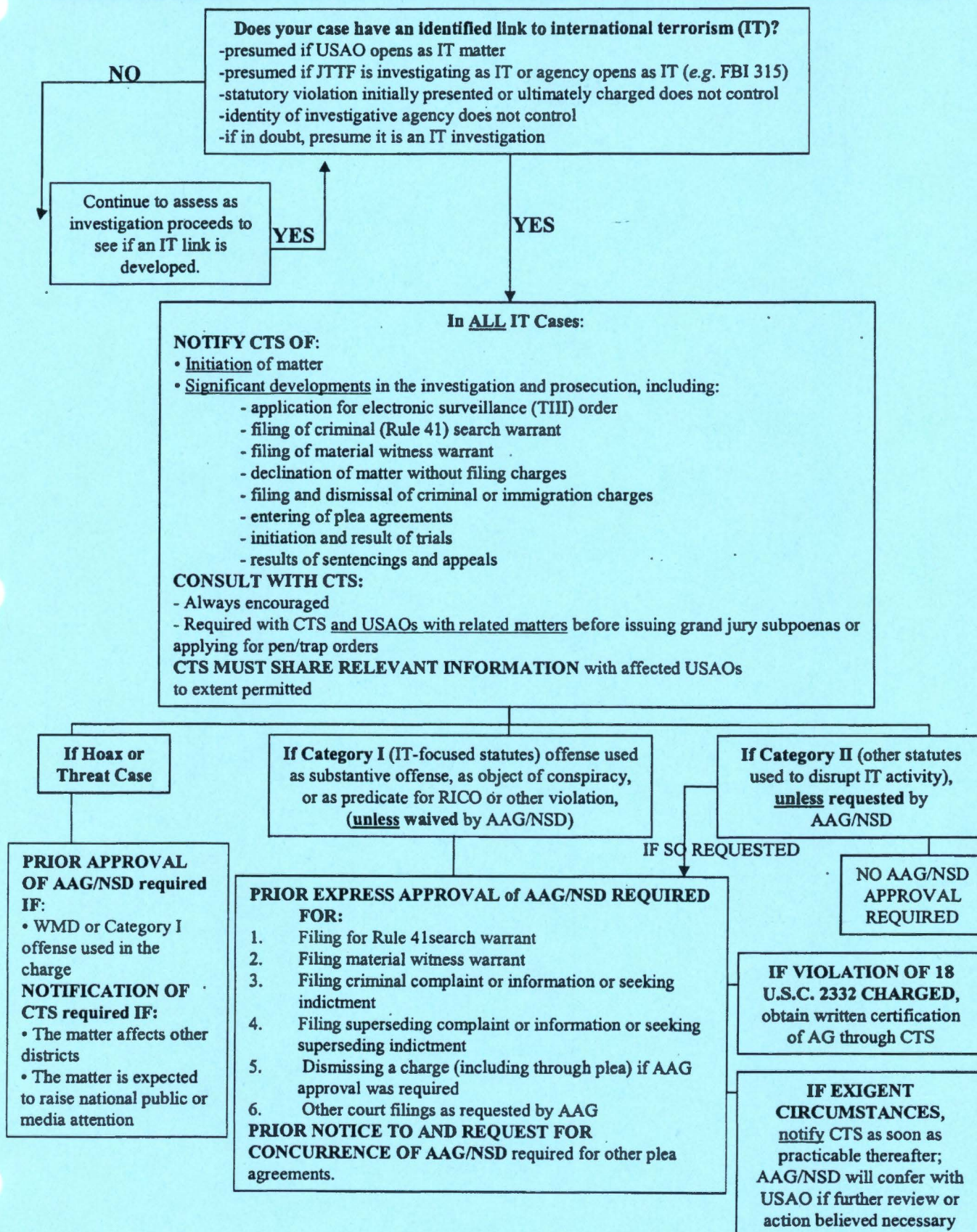
Before entering a plea agreement in a WMD, torture, war crimes, or genocide matter, the USAO shall notify and seek the concurrence of the AAG, with any disagreement to be resolved by the Deputy Attorney General.

**G. Exigent Circumstances.**

If exigent circumstances require a USAO to take immediate action in WMD, torture, war crimes, and genocide matters without complying with the consultation or prior approval requirements set forth above, the USAO must *notify* CTS or DSS of any action taken as soon as practicable thereafter and the exigent circumstances that precluded obtaining prior approval. The USAO shall provide copies of any court filings made. If the AAG determines that further review or action appears appropriate, the AAG and the USAO will confer on how best to proceed. Any disagreements will be resolved by the Deputy Attorney General.



# IT Notification, Consultation, and Approval Requirements Flowchart







U.S. Department of Justice

Executive Office for United States Attorneys  
Office of the Director

RFK Main Justice Building, Room 2616  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 514-2121

**Memorandum - Sent via Electronic Mail**

DATE: JUL 02 2007

TO: ALL UNITED STATES ATTORNEYS  
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS  
ALL CRIMINAL CHIEFS  
ALL ANTI-TERRORISM COORDINATORS

DEPT. OF JUSTICE  
JUL 18 2007  
MAIN LIBRARY

FROM: Kenneth E. Melson  
Director

SUBJECT: Revision of USAM § 9-2.138 Initial Notification Requirement for WMD, Torture, War Crimes, and Genocide Matters: and Deletion of USAM § 9-91.100 Defining "Personnel" and "Training" Elements of Material Support for Foreign Terrorist Organization Statute

ACTION REQUIRED: None

CONTACT PERSON: Craig Haller  
Assistant United States Attorney  
Counsel to the Director Staff  
Executive Office for United States Attorneys  
(202) 514-5361

The attached bluesheet signed by the Deputy Attorney General on June 28, 2007, addresses two minor changes to the *United States Attorneys' Manual*. USAM § 9-2.138, Notification, Consultation, and Approval Requirements for Weapons of Mass Destruction (WMD), Torture, War Crimes, and Genocide Matters has been revised and divided into two sections (creates § 9-2.139). USAM § 9-2.139 is entitled Notification, Consultation and Approval Requirements for Torture, War Crimes and Genocide Matters. USAM § 9-2.138 has been renamed Notification, Consultation and Approval Requirements for Weapons of Mass Destruction (WMD) Matters.

This bluesheet also deletes USAM § 9-91.000, Proscribed Material Support or Resources to Designated Foreign Terrorist Organizations Under 18 U.S.C. Section 2339B, a prosecutive policy that has now essentially been codified.

Attachment





U.S. Department of Justice

Office of the Deputy Attorney General

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The Deputy Attorney General

Washington, D.C. 20530

June 28, 2007

MEMORANDUM

TO: ALL UNITED STATES ATTORNEYS  
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS  
ALL CRIMINAL CHIEFS  
ALL ANTI-TERRORISM COORDINATORS  
ALL HOLDERS OF TITLE 9

FROM: The Deputy Attorney General *RM*

SUBJECT: Revision of USAM § 9-2.138 Initial Notification Requirement for WMD, Torture, War Crimes, and Genocide Matters; and Deletion of USAM § 9-91.100 Defining "Personnel" and "Training" Elements of Material Support for Foreign Terrorist Organization Statute

AFFECTS: USAM 9-2.138; USAM 9-91.100

This bluesheet addresses two minor changes to the *United States Attorneys' Manual* (USAM), which are based upon recommendations from the Attorney General's Advisory Committee of United States Attorneys (AGAC), the National Security Division (NSD), and the Criminal Division. The changes are effective immediately.

1. **USAM § 9-2.138, Notification, Consultation, and Approval Requirements for Weapons of Mass Destruction (WMD), Torture, War Crimes, and Genocide Matters has been revised and divided into two sections (creates new section USAM 9-2.139).**

**USAM § 9-2.138 has been renamed Notification, Consultation, and Approval Requirements for Weapons of Mass Destruction (WMD) Matters.**

**New USAM § 9-2.139 is entitled Notification, Consultation, and Approval Requirements for Torture, War Crimes and Genocide Matters.**



To reflect the division of responsibilities between the Criminal Division and the National Security Division, as noted above USAM § 9-2.138 has been revised and divided into two sections (USAM § 9-2.138 and USAM § 9-2.139), see attached.

WMD matters remain the subject of USAM § 9-2.138 and will continue to be coordinated by the Counterterrorism Section (CTS) of the NSD. Accordingly, a United States Attorney's Office (USAO) that opens a WMD matter shall make the initial notification to CTS.

Under the prior USAM § 9-2.138, USAOs also made initial notification of torture, war crimes, and genocide matters to CTS, which determined if the matter involved international terrorism and, if it did not, referred the matter to the Domestic Security Section (DSS) of the Criminal Division for coordination. The large majority of torture, war crimes, and genocide matters are not expected to involve international terrorism, and that has been the experience to date. Accordingly, the initial notification for such matters will now be to DSS rather than CTS, and the requirements regarding such matters are now set forth in a newly created USAM § 9-2.139. DSS will immediately advise CTS of all initial notifications, to allow CTS to determine if the matter involves international terrorism, in which case the matter will be coordinated by CTS and governed by the international terrorism provisions of USAM § 9-2.136.

Other than the Main Justice section to which the initial notification of torture, war crimes, and genocide matters is made, and the separation of those matters into a new USAM section 9-2.139, the notification, consultation, and approval requirements for these matters have not been substantively changed.

**2. USAM § 9-91.100, Proscribed Material Support or Resources to Designated Foreign Terrorist Organizations Under 18 U.S.C. § 2339B, has been deleted.**

USAM § 9-91.100 sets forth the prosecutive policy of the Department regarding the meaning of the terms "personnel" and "training" as used in the statute prohibiting material support of foreign terrorist organizations, 18 U.S.C. § 2339B. That policy was essentially codified in the amendments to the material support statutes enacted by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). See 18 U.S.C. §§ 2339A(b)(2) and 2339B(g)(4) ("training"); *id.* § 2339B(h) ("personnel"). The USAM provision is therefore no longer needed and has been deleted.

Attachments



## **§ 9-2.138. Notification, Consultation, and Approval Requirements for Weapons of Mass Destruction (WMD) Matters**

### **A. Nationwide Enforcement Policy is Required**

Matters involving the Weapons of Mass Destruction (WMD) statutes (18 U.S.C. §§ 175, 175b, 175c, 229, 831, 832, 2332a, and 2332h), may involve international terrorism, *in which case they are already covered by the policy set forth in USAM § 9-2.136*. Even if the matters do not involve international terrorism, however, the importance and sensitivity of these matters requires a consistent national approach as established in the following policy. The policy is coordinated by the National Security Division. The Counterterrorism Section (CTS) is the point of contact for these matters.

During business hours, the main CTS number is (202) 514-0849. After business hours, CTS attorneys and supervisors may be reached by calling the Justice Command Center at (202) 514-5000.

### **B. What Constitutes a WMD Matter**

The Department is seeing an increasing number of investigations involving the use of chemical, biological, radiological, and nuclear (CBRN) material and agents, as well as large scale explosive devices intended to cause catastrophic damage and weapons that seek to combine CBRN and ordinary explosives. *The requirements in this section apply in all investigations in which the USAO contemplates charging an offense under the WMD statutes (18 U.S.C. §§ 175, 175b, 175c, 229, 831, 832, 2332a, and 2332h), regardless of the statutory violation initially presented or ultimately charged and regardless of the referring agency.*

### **C. Exception for "Routine" WMD-related Hoax and Threat Matters**

The USAO is not required to follow the approval requirements of this section if the case is a "routine" threat or hoax case. A case is not routine if (1) the USAO intends to charge an offense under the WMD statutes; (2) the matter affects other districts; or (3) the matter is expected to attract national public or media attention. Notification to CTS of routine hoax and threat matters is still encouraged.

### **D. Notification and Consultation Requirements**

**Initiation.** When the USAO opens any WMD matter, the USAO shall promptly notify CTS. The notification should include the names and identifiers, if known, of the subjects of the investigation and a general overview of the investigation. Whenever feasible, notification should be made in advance of any action by the USAO, and otherwise as soon as possible, but the USAO should not delay in taking any necessary investigative action, particularly where such action is covert. Notification may be made by email or telephone (or by secured means where necessary), and may utilize the standard Case Notification Form available from CTS if preferred. If after notification, CTS determines that there are related matters pending in another district that could be affected by the new



matter, CTS will so inform the USAO and will advise the other district of the new matter.

**Grand Jury Subpoenas and Pen/Trap Orders.** Where a USAO is aware that another USAO or CTS has opened a related matter, the USAO shall not issue a grand jury subpoena or apply for a pen register or trap and trace order that may affect the related matter without first consulting with CTS and the other district.

**Significant Developments and Case Preparation.** The USAO shall notify CTS of any significant development in the investigation and prosecution of the matter, including the filing of a search warrant; the filing of a material witness warrant; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of a plea agreement; the initiation and results of trials; and the results of sentencings and appeals. (As discussed in subsection E below, some of these same court actions also require prior approval of the Assistant Attorney General of the National Security Division.) The USAO is also encouraged to consult with CTS on issues such as investigative tactics and strategies, discovery, jury instructions, sentencing issues, the use of expert witnesses, and the use of cooperating witnesses and cooperating defendants from other jurisdictions.

**Information Sharing with the USAO.** When CTS becomes aware of information from any source that may be relevant to a WMD matter pending in a USAO, including relevant investigative action that may be planned in another district, CTS shall share that information with the USAO as soon as practicable, to the extent authorized by the originator of the information. Where relevant information known to CTS cannot be shared with a USAO due to originator requirements, CTS shall request that the originator authorize such sharing.

#### **E. Approval Requirements**

Prior, express approval of the Assistant Attorney General (AAG) of the National Security Division (or his or her designee) is required for the following court actions involving a WMD matter:

- (1) filing an application for a search warrant;
- (2) filing an application for a material witness warrant;
- (3) filing a criminal complaint or information or seeking the return of an indictment;
- (4) filing a superseding complaint or information, or seeking the return of a superseding indictment;
- (5) dismissing a charge for which AAG approval was initially required, including as part of a plea agreement; and
- (6) other specific court filings as requested by the AAG.



Where prior approval is required, the USAO should make the application for approval through CTS. Submission to CTS of a prosecution memorandum and a copy of the proposed application, indictment, information, or complaint is normally required prior to seeking AAG approval, although CTS may waive this requirement in a particular case. The final draft of any proposed charge must be provided to CTS before final AAG approval will be given. Attorneys are encouraged to seek informal guidance from CTS throughout the investigation and well before a final indictment and prosecution memorandum are submitted for review. The submitting AUSA must allocate sufficient lead time to permit review, revision, discussion, and the scheduling of the grand jury. The information provided should indicate both the proposed date for the contemplated action and the proposed date by which the USAO needs a response. If CTS is unable to respond within the time frame suggested by the USAO, CTS must immediately notify the USAO to determine an acceptable time frame agreed to by both parties. A well-written, carefully organized prosecution memorandum is the greatest guarantee that a prosecution will be authorized quickly and efficiently.

In cases requiring approval, once a charge has been filed in court, a copy of a file-stamped charging document shall be provided to CTS. CTS shall also be notified and provided copies of any significant court rulings in the case. In addition, copies of motions, jury instructions and briefs filed by the USAO, as well as the defendant(s), should be forwarded to CTS for retention in a central reference file. Such a file of the government's briefs and motions will provide assistance to other USAOs handling similar matters. Once a verdict has been obtained, the USAO shall forward to CTS the verdict on each count of the indictment and the sentence(s) received by each defendant.

#### **F. AAG Concurrence Requirement for Plea Agreements**

The USAO must seek the prior concurrence of the AAG before entering into a plea agreement in a WMD matter. If the AAG does not concur to the entry of the plea agreement, the disagreement shall be resolved by the Deputy Attorney General.

#### **G. Exigent Circumstances**

If exigent circumstances require a USAO to take immediate action in a WMD matter without complying with the notification, consultation, concurrence, or prior approval requirements set forth above, the USAO must promptly notify CTS of any action taken and of the exigent circumstances that precluded obtaining prior approval. The USAO shall also provide CTS copies of any court filings made. If the AAG determines that further review or action appears appropriate, the AAG and the USAO will confer on how best to proceed. Any disagreements will be resolved by the Deputy Attorney General.



**§ 9-2.139. Notification, Consultation, and Approval Requirements for Torture, War Crimes, and Genocide Matters.**

**A. National Coordination**

Matters involving torture (18 U.S.C. §§ 2340-2340B), war crimes (18 U.S.C. § 2441), and genocide (18 U.S.C. §§ 1091-1093) raise issues of national and international concern. Successful prosecution of these matters requires both careful coordination within the Department of Justice and careful coordination between the Department and senior officials in the foreign affairs and military communities. The responsibility for this coordination is assigned to the Criminal Division and, in particular, its Domestic Security Section (DSS). If a matter involving torture, war crimes, or genocide also involves international terrorism, responsibility for coordination will be assigned to the Counterterrorism Section of the National Security Division as provided in this section and section 9-2.136.

During business hours, the main DSS number is (202) 616-5731. After business hours, DSS attorneys and supervisors may be reached by calling the Justice Command Center at (202) 514-5000.

**B. Matters Involving Torture, War Crimes, or Genocide**

The requirements in this section apply in all investigations in which the USAO contemplates—

- (1) charging torture (18 U.S.C. §§ 2340-2340B), a war crime (18 U.S.C. § 2441), or genocide (18 U.S.C. §§ 1091-1093); or
- (2) charging any other offense (such as a violation of 18 U.S.C. §§ 1001, 1425, or 1546) where proof of the other offense (i.e., of the false statement or fraud) will require the government to either define torture, war crimes, or genocide, or to prove that torture, a war crime, or genocide was committed.

**C. Notification Requirements**

**Initiation.** When the USAO opens any torture, war crimes, or genocide matter, the USAO shall promptly notify the Domestic Security Section (DSS) of the Criminal Division. The notification should include the names and identifiers, if known, of the subjects of the investigation and a general overview of the investigation. Whenever feasible, notification should be made in advance of any action by the USAO, and otherwise as soon as possible, but the USAO should not delay in taking any necessary investigative action, particularly where such action is undercover. Notification may be made by email or telephone (or by secured means where necessary), and may utilize the standard Case Notification Form available from DSS if preferred. If after notification, DSS determines that there are related matters pending in another district that could be affected by the new matter, DSS will so inform the USAO and will advise the other district of the new matter.



DSS shall immediately notify CTS of all notifications made by a USAO under this paragraph. If CTS determines that a matter involves international terrorism, CTS will assume coordination of the matter pursuant to USAM § 9-2.136. *When CTS assumes coordination of a torture, war crimes, or genocide matter involving international terrorism, the approval, notification, and consultation requirements of USAM § 9-2.136 apply.* For all other cases, the following requirements apply.

#### **D. Consultation Requirements**

**Grand Jury Subpoenas and Pen/Trap Orders.** Where a USAO is aware that another USAO or DSS has opened a related matter, the USAO shall not issue a grand jury subpoena or apply for a pen register or trap and trace order that may affect the related matter without first consulting with DSS and the other district.

**Significant Developments and Case Preparation.** The USAO shall notify DSS of any significant development in the investigation and prosecution of the matter, including the filing of a search warrant; the filing of a material witness warrant; the application for electronic surveillance; the declination of the matter without filing of charges; the filing and dismissal of criminal or immigration charges; the entering of a plea agreement; the initiation and results of trials; and the results of sentencing and appeals. (As discussed in subsection E below, some of these same court actions also require prior approval of the Assistant Attorney General of the Criminal Division.) The USAO is also encouraged to consult with DSS on issues such as investigative tactics and strategies, discovery, jury instructions, sentencing issues, the use of expert witnesses, and the use of cooperating witnesses and cooperating defendants from other jurisdictions.

**Information Sharing with the USAO.** When DSS becomes aware of information from any source that may be relevant to a torture, war crimes, or genocide matter pending in a USAO, including relevant investigative action that may be planned in another district, DSS shall share that information with the USAO as soon as practicable, to the extent authorized by the originator of the information. Where relevant information known to DSS cannot be shared with a USAO due to originator requirements, DSS shall request that the originator authorize such sharing.

#### **E. Approval Requirements**

Prior, express approval of the Assistant Attorney General (AAG) of the Criminal Division (or his or her designee) is required for the following court actions involving a torture, war crimes, or genocide matter:

- (1) filing an application for a search warrant;
- (2) filing an application for a material witness warrant;
- (3) filing a criminal complaint or information or seeking the return of an indictment;



- (4) filing a superseding complaint or information, or seeking the return of a superseding indictment;
- (5) dismissing a charge for which AAG approval was initially required, including as part of a plea agreement; and
- (6) other specific court filings as requested by the AAG.

Where prior approval is required, the USAO should make the application for approval through DSS. Submission to DSS of a prosecution memorandum and a copy of the proposed application, indictment, information, or complaint is normally required prior to seeking AAG approval, although DSS may waive this requirement in a particular case. The final draft of any proposed charge must be provided to DSS before final AAG approval will be given. Attorneys are encouraged to seek informal guidance from DSS throughout the investigation and well before a final indictment and prosecution memorandum are submitted for review. The submitting AUSA must allocate sufficient lead time to permit review, revision, discussion, and the scheduling of the grand jury. The information provided should indicate both the proposed date for the contemplated action and the proposed date by which the USAO needs a response. If DSS is unable to respond within the time frame suggested by the USAO, DSS must immediately notify the USAO to determine an acceptable time frame agreed to by both parties. A well-written, carefully organized prosecution memorandum is the greatest guarantee that a prosecution will be authorized quickly and efficiently.

In cases requiring approval, once a charge has been filed in court, a copy of a file-stamped charging document shall be provided to DSS. DSS shall also be notified and provided copies of any significant court rulings in the case. In addition, copies of motions, jury instructions and briefs filed by the USAO, as well as the defendant(s), should be forwarded to DSS for retention in a central reference file. Such a file of the government's briefs and motions will provide assistance to other USAOs handling similar matters. Once a verdict has been obtained, the USAO shall forward to DSS the verdict on each count of the indictment and the sentence(s) received by each defendant.

#### **F. AAG Concurrence Requirement for Plea Agreements**

The USAO must seek the prior concurrence of the AAG before entering into a plea agreement in a torture, war crimes, or genocide matter. If the AAG does not concur to the entry of the plea agreement, the disagreement shall be resolved by the Deputy Attorney General.

#### **G. Exigent Circumstances**

If exigent circumstances require a USAO to take immediate action in a torture, war crimes, or genocide matter without complying with the notification, consultation, concurrence, or prior approval requirements set forth above, the USAO must promptly notify DSS of any action taken and of the exigent circumstances that precluded obtaining



prior approval. The USAO shall also provide DSS copies of any court filings made. If the AAG determines that further review or action appears appropriate, the AAG and the USAO will confer on how best to proceed. Any disagreements will be resolved by the Deputy Attorney General.



**9-3.000**

## **ORGANIZATION OF THE CRIMINAL DIVISION**

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The Organization Chart for the Criminal Division is posted at  
<http://www.usdoj.gov/criminal/Cdorgch.htm>.

**9-4.000**

## **STATUTES ASSIGNED BY CITATION**

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**9-4.010 Introduction**

**9-4.100 Statutory Responsibilities General to All Criminal Division Sections and Offices**

**9-4.112 2 U.S.C.: The Congress**

**9-4.114 4 U.S.C.: Flag and Seal**

**9-4.115 5 U.S.C.: Executive Departments**

**9-4.117 7 U.S.C.: Agriculture**

**9-4.118 8 U.S.C.: Aliens and Nationality**

**9-4.121 10 U.S.C.: Armed Forces**

**9-4.123 12 U.S.C.: Banks and Banking**

**9-4.124 13 U.S.C.: Census**

**9-4.125 14 U.S.C.: Coast Guard**

**9-4.126 15 U.S.C.: Commerce and Trade**

**9-4.127 16 U.S.C.: Conservation**

**9-4.128 17 U.S.C.: Copyrights**

**9-4.129 18 U.S.C. 1-2712: Crimes**

**9-4.130 18 U.S.C. 3000-: Procedure**

**9-4.131 18 U.S.C.: Appendixes**

**9-4.132 19 U.S.C.: Customs Duties**

**9-4.133 20 U.S.C.: Education**

**9-4.134 21 U.S.C.: Food and Drugs**

**9-4.135 22 U.S.C.: Foreign Relations and Intercourse**

**9-4.137 24 U.S.C.: Hospitals and Asylums**

**9-4.138 25 U.S.C.: Indians**

**9-4.139 26 U.S.C.: Internal Revenue Code**

**9-4.141 27 U.S.C.: Intoxicating Liquor**

**9-4.142 28 U.S.C.: Judiciary and Judicial Procedure**

9-4.143 28 U.S.C.: Appendix  
9-4.144 29 U.S.C.: Labor  
9-4.145 30 U.S.C.: Mineral Lands and Mining  
9-4.146 31 U.S.C.: Money and Finance  
9-4.147 33 U.S.C.: Navigation and Navigable Waters  
9-4.151 35 U.S.C.: Patents  
9-4.152 36 U.S.C.: Patriotic Societies and Observances  
9-4.154 38 U.S.C.: Veterans' Benefits  
9-4.155 39 U.S.C.: Postal Service  
9-4.156 40 U.S.C.: Public Buildings, Property, and Works  
9-4.157 40 U.S.C.: Appendix  
9-4.158 41 U.S.C.: Public Contracts  
9-4.159 42 U.S.C.: The Public Health and Welfare  
9-4.161 43 U.S.C.: Public Lands  
9-4.163 45 U.S.C.: Railroads  
9-4.164 46 U.S.C.: Shipping  
9-4.165 46 U.S.C.: Appendix: Shipping  
9-4.166 47 U.S.C.: Telegraphs, Telephones, and Radiotelegraphs  
9-4.168 49 U.S.C.: Transportation  
9-4.169 49 U.S.C.: Appendix: Transportation  
9-4.170 50 U.S.C.: War and National Defense  
9-4.171 50 U.S.C.: Appendix  
9-4.172 Uncodified  
9-4.173 Repealed/Reclassified  
9-4.200 Legislative Histories

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## **9-4.010 Introduction**

The statutes currently administered by the Criminal Division have been assigned to the following Sections and Offices:

Appellate Section	APP
Asset Forfeiture and Money Laundering Section	AFMLS
Capital Case Unit	CCU
Child Exploitation and Obscenity Section	CEOS

Computer Crime and Intellectual Property Section	CCIPS
Counterespionage Section	CES
Counterterrorism Section	CTS
Domestic Security Section	DSS
Executive Office of the Organized Crime Drug Enforcement Task Forces	OCETF
Fraud Section	FRAUD
International Criminal Training Assistance Program	ICTAP
Narcotic and Dangerous Drug Section	NDDS
Office of Enforcement Operations	OEO
Office of International Affairs	OIA
Office of Policy and Legislation	OPL
Office of Special Investigations	OSI
Organized Crime and Racketeering Section	OCRS
Public Integrity Section	PIN

The statutes are arranged by the United States Code Titles. Listed under each Title are: (1) the statutory designation in the left column, (2) the administering Section, as abbreviated above, with a telephone number in the center column, and (3) the investigating agency in the right column. When no particular Section has primary responsibility for a statute, the designation "All" will appear. Whenever a single asterisk (\*) appears after the statutory designation, consultation with the Criminal Division is required in accordance with USAM 9-2.120. Whenever a double asterisk (\*\*) appears after the statutory designation, special approval from the Criminal Division must be obtained in accordance with USAM 9-2.110.

A. The Section to be contacted with respect to the violation of a particular statute will be that Section listed except in the following cases:

1. Whenever it is determined that known organized crime figures are involved in any case, supervision of such case is assigned to the Organized Crime and Racketeering Section regardless of the statute involved.
2. Whenever it is determined that a public official is involved in any case involving misuse of office, supervision of such case is assigned to the Public Integrity Section, regardless of the statute involved.
3. Whenever any case involves a criminal activity affecting national defense or foreign relations, the Counterespionage Section must be consulted, regardless of the statute involved.
4. Whenever any matter or case involves domestic or international terrorism, weapons of mass destruction, the acquisition of any weapons or explosive, where such action is undertaken by known or suspected terrorists (international or domestic), the Counter Terrorism Section must be consulted, regardless of the statute involved. Authorization to initiate any case or investigation involving international terrorism must be obtained from the Criminal Division through the Counterterrorism Section.
5. Whenever any case involves a statute in the jurisdiction of the Criminal Division that authorizes civil or criminal forfeiture, questions concerning forfeiture should be referred to the Asset Forfeiture and Money Laundering Section (514-1263), while questions concerning the underlying substantive offense should be referred to the Section with responsibility for the criminal statute.

6. Whenever any matter or case involves (1) violence (or the threat thereof) directed at a person or property; unless it concerns terrorism or an Internationally Protected Person, the Domestic Security Section is the Section to consult.

B. The Appellate Section should be contacted with respect to questions or problems concerning the Speedy Trial Act (514-2611) and questions on bail (514-3521).

C. The Office of Policy and Legislation should be contacted with respect to questions or problems concerning the grand jury (514-3202).

D. The Office of Enforcement Operations should be contacted with respect to questions or problems concerning the following:

1. Grand jury and special attorney authorizations (606-4705);
2. Pre-trial diversion (514-5541);
3. Witness immunity (514-5541);
4. Subpoenas issued to Department of Justice employees under 28 C.F.R. § 16.21 (606-4730);
5. Closure of judicial proceedings under 28 C.F.R. § 50.9 (606-4730);
6. Subpoenas issued to members of the news media under 28 C.F.R. § 50.10 (606-4730);
7. Processing of tax disclosure requests under 26 U.S.C. § 6103 (606-4730);
8. Authorization of electronic surveillance (514-3684);
9. Witness protection (514-3684);
10. Rule 6(e)(3)(C)(iv) disclosures (514-4730);
11. Right to Financial Privacy under 12 U.S.C. § 3401-3422 (606-4730);
12. Searches for documentary evidence held by disinterested third parties, e.g., lawyers, doctors, clergymen, under 28 C.F.R. part 59 (Legal Support Unit-514-0856);
13. Electronic surveillance checks under 18 U.S.C. § 3504 (606-4730);
14. Privacy Protection Act/42 U.S.C. 2000aa (Legal Support Unit - 514-0856) [except for searches of computers or electronic evidence (CCIPS)];
15. S-VISA applications (S-VISA Unit - 514-3684);
16. Deputation of personnel in Inspectors General Offices as Special Deputy U.S. Marshals (Deputation Unit - 514-3684);
17. Legislative histories of criminal laws (Legislative History and Gambling Devices Unit - 514-1333);
18. International prisoner transfer matters (International Prisoner Transfer Unit-514-3173);
19. Freedom of Information Act/Privacy Act matters inside the Criminal Division, including litigation support (FOIA/PA Unit, 616-0307); and
20. Gambling device registration (Legislative History and Gambling Devices Unit-514-1333).

E. The Office of International Affairs (514-0000) must be contacted:

1. Before contacting any foreign or State Department official in matters relating to criminal investigations or prosecutions;
  - a. Except when notifying a foreign consul of the arrest of a national of the consul's country;
  - b. Except for emergency preservation in foreign countries of electronic evidence which is susceptible to damage or destruction, or for emergency preservation of such evidence in the U.S. on behalf of foreign countries (CCIPS).
2. Before any proposed contact with persons, other than United States investigative agents, in a foreign country;
3. Before attempting to do any act in Switzerland or other continental European countries relating to a criminal investigation or prosecution, including contacting a witness by telephone or mail;
4. Before issuing any subpoena to obtain records located in a foreign country, and before seeking the enforcement of any such subpoena; and
5. Before serving a subpoena on an officer of, or attorney for, a foreign bank or corporation, who is temporarily in, or passing through the United States, when the testimony sought relates to the officers or attorney's duties in connection with the operation of the bank or corporation.

F. The Computer Crime and Intellectual Property Section (514-1026) should be contacted regarding the following:

1. Investigations under the Economic Espionage Act, 18 U.S.C. 1832, Theft of Trade Secrets.\*\*
2. Online Undercover Investigations.
3. For emergency preservation in foreign countries of electronic evidence which is susceptible to damage or destruction, or for emergency preservation of such evidence in the U.S. on behalf of foreign countries.
4. In legal or policy questions involving the collection of electronic information or evidence, including search and seizure, wiretap, trap and trace and pen registers, the Electronic Communications Privacy Act [18 U.S.C. 2701], and the Privacy Protection Act [42 U.S.C. 2000aa] \*\* in cases involving electronic evidence.

## **9-4.100 Statutory Responsibilities General to All Criminal Division Sections and Offices**

The assignment of responsibility for the following sections of the United States Code is general in nature and not specific to any Office or Section of the Criminal Division. Because of this, all Sections and Offices of the Criminal Division are responsible for the sections listed below.

9-4.112, 2 U.S.C.: The Congress  
§§193-194

9-4.115, 5 U.S.C.: Executive Departments  
§552

9-4.123, 12 U.S.C.: Banks and Banking  
§§209, 211, 324

9-4.129, 18 U.S.C.: Crimes and Criminal Procedure  
 §§1-6, 10, 14, 18-20, 151, 218, 371, 401-402, 2236, 3013,  
 3041-3044, 3046-3050, 3052-3053, 3056 [although 3056(b) and  
 (d) are listed as OEO], 3059-3061, 3103a, 3105, 3107, 3109,  
 3237-3238, 3281-3282, 3285, 3287-3290, 3321-3322, 3331-3334,  
 3432, 3481, 3500-3502, 3571-3574, 3611, and 3691-3692.

9-4.135, 22 U.S.C.: Foreign Relations and Intercourse  
 §2667

9-4.139, 26 U.S.C.: Internal Revenue Code  
 §§7201-7209

9-4.142, 28 U.S.C.: Judiciary and Judicial Procedure  
 §§455, 1822, 2255

## 9-4.112 2 U.S.C.: The Congress

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§167a-g	OEO	(202) 514-6809	FBI
§192	OEO*	(202) 514-6809	FBI
§§193-194	All		None
§§261-270	CES*	(202) 514-1187	FBI
§§381-396	PIN	(202) 514-1412	FBI
§§431-455	PIN*	(202) 514-1412	FBI
Except			
§441e	CES*	(202) 514-1412	FBI

(Only in cases involving foreign agents or those who should be registered as foreign agents)

**9-4.114 4 U.S.C.: Flag and Seal**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3	FRAUD	(202) 514-7023	FBI

**9-4.115 5 U.S.C.: Executive Departments**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§552	All		None
§552(a) (i)	PIN	(202) 514-1412	FBI
§3333	CES	(202) 514-1187	FBI
§7311	CES	(202) 514-1187	FBI
§8193	OEO	(202) 514-6809	

**9-4.117 7U.S.C.: Agriculture**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§2-26	FRAUD*	(202) 514-7023	Agriculture (Off. Of Investigations)
§§51-65	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§71-85	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§87b (a) (1)-(5), (10), (11)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)



<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§87c	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§87f(e)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§95-96	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§149	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§150bb, ee, gg	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§154	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§156-163	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§164a	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§166	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§167	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§181-231	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§250	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§270	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§281-282	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§472	PIN	(202) 514-1412	FBI
§473c-1,c-2	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§491	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§499a-r	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§503	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§511i, k	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§581	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§586	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§591	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§596	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§607-608a	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
Except			
§608a	AFMLS (forfeiture only)	(202) 514-1263	Agriculture (Off. Of Investigations)
§608c(14)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§608d-624	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§855	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§953	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
Except			

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§1010-1011	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§1373	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§1379i(b), (d)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§1427 (note)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§1471j	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§1551-1611	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
Except			
§1595	AFLMS (forfeiture only)	(202) 514-1263	Agriculture (Off. Of Investigations)
§1622(h)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§1642(c)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§1986	PIN	(202) 514-1412	FBI
§2023(a)-(b)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§2024(b)-(c)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§2024(g)	AFMLS*	(202) 514-1263	Agriculture (Off. Of Investigations)
§§2114-2115	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§2131-2147	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§2149	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§2151-2156	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
Except			
§2156	AFMLS (forfeiture only)	(202) 514-1263	Agriculture (Off. Of Investigations)
§2270	OEO	(202) 514-6809	Agriculture (Off. Of Investigations)
§2274	OEO	(202) 514-6809	None
§2619(c)	PIN	(202) 514-1412	FBI
§2619(b)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§2623	PIN	(202) 514-1412	FBI
§2706	PIN	(202) 514-1412	FBI
§2807	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§3806	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)

#### **9-4.118 8 U.S.C.: Aliens and Nationality**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1101(a) (15) (S)	OEO	(202)514-6809	None

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1182 (general classes of aliens ineligible to receive visas and excluded from admission)	DSS	(202) 616-5731	D.H.S.
§1185 (travel control of citizens and aliens)	DSS	(202) 616-5731	
§1226 (exclusion of aliens)	DSS	(202) 616-5731	
§1251 (general classes of deportable aliens)	DSS	(202) 616-5731	
§1252 (apprehension and deportation of aliens)	DSS	(202) 616-5731	D.H.S.
§1252(a) (deportation of criminal aliens)	DSS	(202) 616-5731	
§1253 (penalties relating to removal)	DSS	(202) 616-5731	
§1256 (rescission of adjustment of status)	DSS	(202) 616-5731	D.H.S.
§1281 (alien crewmen; report of illegal landings)	DSS	(202) 616-5731	D.H.S.
§1282 (conditional permits to land temporarily)	DSS	(202) 616-5731	D.H.S.

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1283 (hospital treatment of certain diseased alien crewmen afflicted with certain diseases)	DSS	(202) 616-5731	D.H.S.
§1284 (control of alien crewmen)	DSS	(202) 616-5731	D.H.S.
§1285 (employment on passenger vessels of aliens afflicted with certain disabilities)	DSS	(202) 616-5731	D.H.S.
§1286 (discharge of alien crewmen' penalties)	DSS	(202) 616-5731	D.H.S.
§1287 (alien crewmen brought into the United States with intent to evade immigration laws; penalties)	DSS	(202) 616-5731	D.H.S.
§1301 (aliens seeking entry)	DSS	(202) 616-5731	D.H.S.
§1302 (registration of aliens)	DSS	(202) 616-5731	D.H.S.
§1303 (registration of special groups)	DSS	(202) 616-5731	D.H.S.
§1304 (forms of registration and fingerprinting)	DSS	(202) 616-5731	D.H.S.

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1305 (notices of change of address)	DSS	(202) 616-5731	D.H.S.
§1306 (penalties)	DSS	(202) 616-5731	D.H.S.
§1321 (prevention of unauthorized landing of aliens)	DSS	(202) 616-5731	D.H.S.
§1322 (bringing in subject to disability or afflicted with disease aliens; persons liable; clearance papers; exceptions; "person" defines)	DSS	(202) 616-5731	D.H.S.
§1323 (unlawful employment of aliens)	DSS	(202) 616-5731	D.H.S.
§1324 (bringing in and harboring certain aliens) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	D.H.S.
§1324a (unlawful employment of aliens)	DSS	(202) 616-5731	D.H.S.

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1324b (unlawful immigration-related employment practices)	DSS	(202) 616-5731	D.H.S.
§1324c (penalties for document fraud)	DSS	(202) 616-5731	D.H.S.
§1324d (civil penalties for failure to depart)	DSS	(202) 616-5731	D.H.S.
§1326 (re-entry of deported alien; criminal penalties for re-entry of certain deported aliens)	DSS	(202) 616-5731	D.H.S.
§1327 (aiding or assisting certain aliens to enter)	DSS	(202) 616-5731	D.H.S.
§1328 (importation of alien for immoral purposes)	DSS	(202) 616-5731	D.H.S.
§1329 (jurisdiction of district courts)	DSS	(202) 616-5731	D.H.S.
§1330 (collection of penalties and expenses)	DSS	(202) 616-5731	D.H.S.
§1357(a), (b)	OEO	(202) 514-6809	D.H.S.



#### **9-4.121 10 U.S.C.: Armed Forces**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§331-335	OEO	(202) 514-6809	None
§§371-381	NDDS	(202) 514-0917	Defense
§808	OEO	(202) 514-6809	None
§847	OEO	(202) 514-6809	FBI
§976	OEO	(202) 514-6809	Defense
§7678	OEO	(202) 514-6809	FBI

#### **9-4.123 12 U.S.C.: Banks and Banking**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§25a	OCRS	(202) 514-3595	FBI
§92a (h)	FRAUD	(202) 514-7023	FBI
§§95-95b	FRAUD	(202) 514-7023	Treasury
Except			
§§ 95a-95b	FRAUD	(202) 514-7023	
§209	All		None
§211	All		None
§324	All		None
§339	OCRS	(202) 514-3595	FBI
§374a	FRAUD	(202) 514-7023	FBI
§378	FRAUD	(202) 514-7023	FBI
§582	FRAUD	(202) 514-7023	FBI

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§617	FRAUD	(202) 514-7023	FBI
§630	FRAUD	(202) 514-7023	FBI
§631	FRAUD	(202) 514-7023	FBI
§1141j(b)-(d)	FRAUD	(202) 514-7023	FBI
§1457(a)	FRAUD	(202) 514-7023	FBI
§1464(d) (12)	FRAUD	(202) 514-7023	FBI
§1701(d) (4)	PIN	(202) 514-1412	None
§1709-2	FRAUD	(202) 514-7023	FBI
§1715z-4	FRAUD	(202) 514-7023	FBI
§1723a(e)	FRAUD	(202) 514-7023	FBI
§1725(g)	FRAUD	(202) 514-7023	FBI
§1730(p)	FRAUD	(202) 514-7023	FBI
§1730a(d). (i)-(j)	FRAUD	(202) 514-7023	FBI
§1730c	OCRS	(202) 514-3595	FBI
§1738a	FRAUD	(202) 514-7023	FBI
§1750b(a)	FRAUD	(202) 514-7023	FBI
§1786(k)	FRAUD	(202) 514-7023	FBI
§1818(j)	FRAUD	(202) 514-7023	FBI
§1829a	OCRS	(202) 514-3595	FBI
§1829b	FRAUD	(202) 514-7023	None
§1832	FRAUD	(202) 514-7023	FBI
§1847	FRAUD	(202) 514-7023	FBI
§1881-1884	OEO	(202) 514-6809	FBI
§1909	FRAUD	(202) 514-7023	FBI
§1956-1957	FRAUD	(202) 514-7023	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§2607	FRAUD	(202) 514-7023	FBI
§3401-3422	OEO	(202) 514-6809	Legal Support Unit (d)

#### **9-4.124 13 U.S.C.: Census**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§211-214	PIN	(202) 514-1412	FBI
§§221-225	OEO	(202) 514-6809	FBI
§§304-305	CES	(202) 514-1187	FBI

#### **9-4.125 14 U.S.C.: Coast Guard**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§83-85	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)
§431(c)	FRAUD	(202) 514-7023	FBI
§638(b)	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)
§639	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)
§892	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)

**9-4.126 15 U.S.C.: Commerce and Trade**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§6	AFMLS	(202) 514-1236	FBI
§50	FRAUD	(202) 514-7023	FBI
	PIN	(202) 514-1412	FBI
§77	AFMLS	(202) 514-1263	S.E.C.
§§77a-77bbbb	FRAUD*	(202) 514-7023	S.E.C.
§§78a-78kk	FRAUD*	(202) 514-7023	S.E.C.
Except			
§78m(b)	FRAUD**	(202) 514-7023	S.E.C.
§78dd-1, dd-2	FRAUD**	(202) 514-7023	S.E.C.
§§78aaa-78lll	FRAUD	(202) 514-7023	S.E.C.
§§79-79z6	FRAUD	(202) 514-7023	S.E.C.
§80a-1	FRAUD	(202) 514-7023	S.E.C.
80b-1	FRAUD*	(202) 514-7023	S.E.C.
§158	FRAUD	(202) 514-7023	Commerce (China Trade Act Registrar)
§231-235	FRAUD	(202) 514-7023	Commerce(National Bureau of Standards)
§241	FRAUD	(202) 514-7023	Commerce(National Bureau of Standards)
§§291-300	FRAUD	(202) 514-7023	None
§330d	FRAUD	(202) 514-7023	Commerce (National Oceanic and Atmospheric Administration)



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§375-378	FRAUD	(202) 514-7023	FBI
§645(a)-(c)	FRAUD	(202) 514-7023	FBI
§714m(a)-(f)	FRAUD	(202) 514-7023	Agriculture (Off. Of Investigations)
§§715a-m	FRAUD	(202) 514-7023	Interior
§§717-717w	FRAUD	(202) 514-7023	Fed. Power Comm.
§1004	FRAUD	(202) 514-7023	FBI
§1007	FRAUD	(202) 514-7023	FBI
§§1171-1178	OCRS	(202) 514-3595	FBI
Except			
§1173	OEO	(202) 514-6809	None (Registration only)
§1177	AFMLS	(202) 514-1263	FBI
§1195	AFMLS	(202) 514-1263	F.T.C.
§§1241-1244	DSS	(202) 616-5731	FBI
§1245	DSS	(202) 616-5731	FBI
§1265	AFLMS	(202) 514-1263	FBI
§1644	FRAUD	(202) 514-7023	U.S.P.S.(Postal Inspection Service)
§1693n	FRAUD	(202) 514-7023	FBI
§1717	FRAUD	(202) 514-7023	HUD (Offie of Interstate Land Sales)
§§1821-1825	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§2071(b)	AFMLS	(202) 514-1263	None
§2104	AFMLS	(202) 514-1263	D.H.S. (Customs)

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§2615	FRAUD	(202) 514-7023	E.P.A.—FBI if major investigation is required
§3414(c)	FRAUD	(202) 514-7023	Federal Regulation Commission
§3414	FRAUD	(202) 514-7023	

#### **9-4.127 16 U.S.C.: Conservation**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§9a	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§26	OEO	(202) 514-6809	Interior—FBI if major investigation is required
(forfeiture only)	AFMLS	(202) 514-1263	Interior—FBI if major investigation is required
§45(e)	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§60	OEO	(202) 514-6809	Interior
§63	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§65	OEO	(202) 514-6809	Interior

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§92	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§98	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§99	AFMLS	(202) 514-1263	Interior
§114	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§117c	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§117d	AFMLS	(202) 514-1263	Interior
§123	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§127	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§128	AFMLS	(202) 514-1263	Interior
§146	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§152	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§170	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§171	OEO	(202) 514-6809	Interior

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§198c	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§198d	AFMLS	(202) 514-1263	Interior
§204c	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§204d	AFMLS	(202) 514-1263	Interior
§256b	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§256c	AFMLS	(202) 514-1263	Interior
§351	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§§352-353	OEO	(202) 514-6809	Interior
§354	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§364	FRAUD	(202) 514-7023	Interior—FBI if major investigation is required
§371	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§373	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§374	OEO	(202) 514-6809	Interior—FBI if major investigation is required



<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§395c	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§395d	AFMLS	(202) 514-1263	Interior
§403c-3	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§403c-4	AFMLS	(202) 514-1263	Interior
§403h-3	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§403h-4	AFMLS	(202) 514-1263	Interior
§404c-3	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§404c-4	AFMLS	(202) 514-1263	Interior
§408k	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§408l	AFMLS	(202) 514-1263	Interior
§413	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§414	OEO	(202) 514-6809	Defense (Superintendent of Military Park)
§422d	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§423f	OEO	(202) 514-6809	Interior—FBI if major investigation is required

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§423g	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§425g	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§426i	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§428i	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§§430h, i, q	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§430v	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§433	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§460d	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§460k-3	OEO	(202) 514-6809	Interior
§§460l-6a	OEO	(202) 514-6809	Interior
§460n-5	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§462(k)	OEO	(202) 514-6809	Interior—FBI if major investigation is required

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§470ee	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§470gg(b)	AFMLS	(202) 514-1263	D.H.S.—Customs
§551	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§552a-d	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§559	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§§604-606	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§668b(b)	AFMLS	(202) 514-1263	Interior—FBI if major investigation is required
§668dd(c), (e)-(f) Except	OEO	(202) 514-6809	Interior
§668dd(f) (forfeiture only)	AFMLS	(202) 514-1263	Interior
§670j	OEO	(202) 514-6809	Agriculture (Office of Investigations); Interior
§670j(c)	AFMLS	(202) 514-1263	Interior
§676	OEO	(202) 514-6809	Interior
§683	OEO	(202) 514-6809	Interior
§685	OEO	(202) 514-6809	Interior
§689b	OEO	(202) 514-6809	Interior

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§690d-g	OEO	(202) 514-6809	Interior—FBI if major investigation is required
Except			
§690e(b) (forfeiture only)	AFMLS	(202) 514-1263	Interior—FBI if major investigation is required
§692a	OEO	(202) 514-6809	
§693a	OEO	(202) 514-6809	
§694a	OEO	(202) 514-6809	
§707	AFMLS	(202) 514-1263	Interior—FBI if major investigation is required
§718e-g	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§§726-727	OEO	(202) 514-6809	Interior—FBI if major investigation is required
Except			
§727(c)	AFMLS	(202) 514-1263	Interior
§730	OEO	(202) 514-6809	Interior—FBI if major investigation is required
§§742j-l(e)	AFMLS	(202) 514-1263	Interior
§773h	AFMLS	(202) 514-1263	Interior
§776c(b)	AFMLS	(202) 514-1263	Interior
§791-825e	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)



<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§825f	FRAUD	(202) 514-7023	Interior—FBI if major investigation is required
§825o	FRAUD	(202) 514-7023	Fed. Power
§831t	OEO	(202) 514-1263	FBI (Larceny and embezzlement)
	FRAUD	(202) 514-7023	FBI (Other offenses)
§916f	AFMLS	(202) 514-1263	Commerce
§957	OEO	(202) 514-6809	Commerce; Interior; D.H.S. (Coast Guard)
§959	OEO	(202) 514-6809	Commerce; Interior; D.H.S. (Coast Guard)
§1029(1,2,5)	OEO	(202) 514-6809	Commerce; Interior; D.H.S. (Coast Guard)
§1030(a),(b)	OEO	(202) 514-6809	Commerce; Interior; D.H.S. (Coast Guard)
§1030(c)	AFMLS	(202) 514-1263	Commerce; Interior; D.H.S. (Coast Guard)
§1167	OEO	(202) 514-6809	Interior
§1172(e),(f)	AFMLS	(202) 514-1263	Commerce; Interior
§1182	OEO	(202) 514-6809	Interior
§1184	OEO	(202) 514-6809	Interior
§1246(i)	OEO	(202) 514-6809	Agriculture (Office of Investigations); Interior
§1372	OEO	(202) 514-6809	Interior

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1376	AFMLS	(202) 514-1263	
§1540	OEO	(202) 514-6809	Commerce (National Oceanic and Atmospheric Admin.); Interior; D.H.S. (Coast Guard); Treasury
(forfeiture only)	AFMLS	(202) 514-1263	
§1860	AFMLS	(202) 514-1263	Interior
§2409	AFMLS	(202) 514-1263	Commerce (National Oceanic and Atmospheric Admin.); Interior; D.H.S. (Coast Guard); D.H.S. (Customs)
§§243-2439	OEO	(202) 514-6809	D.H.S. (Coast Guard)
§3372-3373	OEO	(202) 514-6809	Interior
§3374	AFMLS	(202) 514-1263	Interior
§3606(c)	AFMLS	(202) 514-1263	Interior

#### **9-4.128 17 U.S.C.: Copyrights**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§116(d)	CCIPS	(202) 514-1026	FBI
§§506(a)-507	CCIPS	(202) 514-1026	FBI
Except			
§506(b)	AFMLS*	(202) 514-1263	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§509(a)	AFMLS*	(202) 514-1263	FBI
§603(a), (b)	CCIPS	(202) 514-1026	FBI
§603(c)	AFMLS*	(202) 514-1263	D.H.S. (Customs)

#### **9-4.129 18 U.S.C. 1-2712: Crimes**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§1-6	All	(202) 514-7023	None
§7	OEO	(202) 514-6809	FBI
§8	FRAUD	(202) 514-7023	D.H.S. (Secret Service)
§9	OEO	(202) 514-6809	FBI
§10	All		None
§11	FRAUD	(202) 514-7023	FBI
§12	OEO	(202) 514-6809	U.S.P.S.
§13	OEO	(202) 514-6809	FBI
§14	All		None
§15	FRAUD	(202) 514-7023	Treasury (Secret Service)
§16	DSS	(202) 616-5731	None
§17	OEO	(202) 514-6809	None
§§18-20	All		None
§§31-35	CTS	(202) 514-0849	FBI
§36	NDDS	(202) 514-0917	FBI
§37	CTS	(202) 514-0849	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§43	CTS	(202) 514-0849	FBI
§45	CES**	(202) 514-1187	FBI
§46	FRAUD	(202) 514-7023	Interior; Agriculture (Office of Investigations)
§81 (arson in SMTJ)	DSS	(202) 616-5731	FBI
§111 (assault on federal officers)	DSS	(202) 616-5731	
§112	CTS	(202) 514-0849	FBI
§113 (assaults within special maritime and territorial jurisdiction (SMTJ))	DSS	(202) 616-5731	
§114 (maiming within SMTJ)	DSS	(202) 616-5731	
§115 (murdering family member of federal officials) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	
§151	All		None
§§152-155	FRAUD	(202) 514-7023	FBI
§§175-178	CTS	(202) 514-0849	FBI
§§201-213	PIN*	(202) 514-1412	FBI
Except			



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§201(d)-(e) (h)-(i)	FRAUD	(202) 514-7023	FBI
§§214-216	FRAUD	(202) 514-7023	FBI
	PIN	(202) 514-1412	FBI
§217	PIN	(202) 514-1412	FBI
§218	All		None
§219	CES**	(202) 514-1187	FBI
§224	OCRS	(202) 514-3595	FBI
§225	FRAUD	(202) 514-7023	FBI
§228	CEOS	(202) 514-5780	FBI
§§ 229-229F	CTS	(202) 514-0849	FBI
§§ 231-233	CTS*	(202) 514-0849	FBI
§§ 241-242 (only federal election issues, and then only if no racial or religious issue involved; all other issues assigned to Civil Rights Division)	PIN*	(202) 514-1412	FBI
§245(b)(1) (only if no racial or religious issue	OEO**	(202) 514-6809	FBI
§245(b) (l) (A) (attempts by force or threat to interfere with the electoral process)	PIN**	(202) 514-1412	Federal Election Committee
§245(b) (3)	CTS**	(202) 514-0849	FBI
§246	PIN*	(202) 514-1412	FBI
§285	OEO	(202) 514-6809	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§286-287	FRAUD	(202) 514-7023	FBI
§288	OEO	(202) 514-6809	U.S.P.S. (Postal Inspection Service)
§§289-290	FRAUD	(202) 514-7023	FBI
§291	PIN	(202) 514-1412	FBI
§292	FRAUD	(202) 514-7023	FBI
§331	FRAUD	(202) 514-7023	D.H.S. (Secret Service)
§332	PIN	(202) 514-1412	FBI
§333	FRAUD	(202) 514-7023	D.H.S. (Secret Service)
§334	PIN	(202) 514-1412	FBI
§§335-337	FRAUD	(202) 514-7023	Federal Reserve
§§342-343	FRAUD	(202) 514-7023	Transportation
§351	CTS	(202) 514-0849	FBI
§371	All		None
§372 (conspiring to injure federal officer)	DSS	(202) 616-5731	
§373 (solicitation of a crime of violence)	DSS	(202) 616-5731	FBI
§§401-402	All		None
§403	CEOS	(202) 514-5780	FBI
§§431-433	PIN	(202) 514-1412	FBI
§§435-437	PIN	(202) 514-1412	FBI
§§438-439	OEO	(202) 514-6809	FBI
§§ 440-442	PIN	(202) 514-1412	FBI

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§ 443	FRAUD	(202) 514-7023	FBI
§§471-491	FRAUD	(202) 514-7023	D.H.S. (Secret Service)
Except			
§475	FRAUD*	(202) 514-7023	D.H.S. (Secret Service)
§489	FRAUD*	(202) 514-7023	D.H.S. (Secret Service)
§492	FRAUD*	(202) 514-7023	D.H.S. (Secret Service)
§§492-495	FRAUD	(202) 514-7023	D.H.S. (Secret Service).
§§497-499	FRAUD	(202) 514-7023	Agency involved; FBI or Secret Service if major investigation involved
§500	FRAUD	(202) 514-7023	U.S.P.S.
§501-502	FRAUD	(202) 514-7023	D.H.S. (Secret Service)
§503	FRAUD	(202) 514-7023	U.S.P.S.
§504	FRAUD	(202) 514-7023	D.H.S. (Secret Service)
§505	FRAUD	(202) 514-7023	FBI
§506	FRAUD	(202) 514-7023	FBI
§507	FRAUD	(202) 514-7023	FBI
§§508-509	FRAUD	(202) 514-7023	FBI
§510	FRAUD	(202) 514-7023	D.H.S. (Secret Service)
§511	FRAUD	(202) 514-7023	FBI

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§512	AFMLS	(202) 514-1263	FBI
§513	FRAUD	(202) 514-7023	FBI
§521	DSS	(202) 616-5731	FBI, DEA, DOJ (ATF)
§§541-548	FRAUD	(202) 5147023-	D.H.S. (Customs)
Except			
§§542, 544, (Customs) 545, 548 (forfeiture only)	AFMLS	(202) 514-1263	D.H.S.
§549	FRAUD	(202) 514-7023	FBI
§550	FRAUD	(202) 514-7023	D.H.S. (Customs)
	AFMLS* (forfeiture only)	(202) 514-1263	
§553	FRAUD	(202) 514-7023	D.H.S. (Customs)
§§592-609	PIN*	(202) 514-1412	FBI
§611 (alien voting in federal election)	DSS	(202) 616-5731	
§§641-642	FRAUD	(202) 514-7023	FBI
§§643-655	PIN	(202) 514-1412	FBI
§§656-658	FRAUD	(202) 514-7023	FBI
§§ 659-660	OEO	(202) 514-6809	FBI
§§661-662	OEO	(202) 514-6809	FBI
§663	FRAUD	(202) 514-7023	FBI
§664	OCRS (L)	(202) 514-3595	FBI, Labor (Pension & Welfare Benefits Admin.); Office of Labor (Racketeering)



<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§665(a)-(b)	FRAUD	(202) 514-7023	FBI
§665(c)	FRAUD	(202) 514-7023	FBI
§666(a)-(b)	FRAUD	(202) 514-7023	FBI
§666(c)	PIN	(202) 514-1412	FBI
§667	OEO	(202) 514-6809	FBI
§668 (Taking by fraud should be referred to the Fraud Section, 514- 7023)	OEO	(202) 514-6809	FBI
§700	FRAUD*	(202) 514- 7023	FBI
§§701-712	FRAUD	(202) 514- 7023	FBI
§713(a) (Matters involving fund- raising and/or public officials)	FRAUD	(202) 514- 7023	FBI
§713(b)	FRAUD	(202) 514- 7023	FBI
§715	FRAUD	(202) 514- 7023	FBI
§§751-755	OEO	(202) 514- 6809	FBI
§§756-757	CES**	(202) 514- 1187	FBI
§758 (high sped flight from immigration checkpoint)	DSS	(202) 514- 0849	
§§792-799	CES**	(202) 514-1187	FBI
Except			
§§793, 794 (forfeiture only)	AFMLS	(202) 514- 1263	FBI
§831-832	CTS	(202) 514- 0849	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§836 (explosives control)	DSS	(202) 514- 0849	Transportation (Federal Highway Admin.)
§841-843 (explosives control)	DSS	(202) 514- 0849	DOJ (ATF)
§844 (explosives control) (possible death penalty when death results from the offense)	DSS	(202) 514- 0849	
Except			
§844(c)	AFMLS	(202) 514- 1263	DOJ (ATF); FBI, U.S.P.S. (Postal Inspection Service)
§844 (d)-(j), (m)	CTS	(202) 514- 0849	DOJ (ATF); FBI, U.S.P.S. (Postal Inspection Service)
§844(i)	CTS	(202) 514- 0849	DOJ (ATF)
	OCRS(L) (labor dispute)	(202) 514- 3595	DOJ (ATF)
§§845-848	DSS	(202) 514- 0849	DOJ (ATF)
§871	CTS*	(202) 514- 0849	D.H.S. (Secret Service)
§872	PIN	(202) 514-1412	FBI
§873	CTS	(202) 514-0849	FBI
§874	FRAUD	(202) 514-7023	G.S.A.; FBI
§875	CTS	(202) 514-0849	FBI
§876 (a)-(c)	CTS	(202) 514-0849	FBI
§876(d)	CTS	(202) 514-0849	FBI, U.S.P.S. (Postal Inspection Service)

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§877(¶¶ 1-3)	CTS	(202) 514-0849	FBI
§877(¶ 4)	CTS	(202) 514-0849	FBI; U.S.P.S.
§§878-880	CTS	(202) 514-0849	FBI
§§891-894	OCRS		FBI
§911 (false impersonation)	DSS	(202) 514- 0849	
§§912-917	FRAUD	(202) 514-7023	FBI
§921	DSS	(202) 514- 0849	
§922	DSS	(202) 514- 0849	
§923	DSS	(202) 514- 0849	
§924	DSS	(202) 514- 0849	
§924(c) (j) (murder with firearm during federal crime of violence) (possible death penalty when death results from the offense)	DSS	(202) 514- 0849	
§924(d)	AFMLS	(202)514-1263	DOJ (ATF)
§924(e)	DSS	(202) 514- 0849	DOJ (ATF); DEA
§925	DSS	(202) 514- 0849	
§926	DSS	(202) 514- 0849	
§927	DSS	(202) 514- 0849	
§928	DSS	(202) 514- 0849	
§929	DSS	(202) 514- 0849	FBI
§930 (possession of a firearm in a federal facility)	DSS	(202) 514- 0849	

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§930(c) (murder with firearm in federal facility) (possible death penalty when death results from the offense)	DSS	(202) 514- 0849	
§931 (prohibition on purchase, ownership, or possession of body armor by violent felons (added on 11/02/02))	DSS	(202) 514- 0849	
§§951-967 Except	CES**	(202)514-1187	FBI
§956	DSS	(202) 514- 0849	FBI
§§962-967 (forfeiture only)	AFMLS	(202)514-1263	FBI
§970(a)	OEO	(202)514-6809	FBI
§970(b)	CTS	(202) 514- 0849	FBI
§§981-982	AFMLS	(202)514-1263	FBI; D.H.S. (Customs); DEA; IRS; Postal Service
§984	AFMLS	(202)514-1263	FBI; D.H.S. (Customs); DEA; IRS; Postal Service
§986	AFMLS	(202)514-1263	FBI; Treasury; DEA; IRS; Postal Service
§1001	FRAUD*	(202)514-7023	FBI
§§1002-1007	FRAUD	(202)514-7023	FBI
§§1010-1014	FRAUD	(202)514-7023	FBI



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1015 (false statements in naturalization, citizenship, or alien registry; false claim of citizenship, or alien registry; false claim of citizenship to receive benefit to vote)	DSS	(202)616-5731	D.H.S.
§1016	FRAUD	(202)514-7023	FBI
§1017	FRAUD	(202)514-7023	FBI
§§1018-1026	FRAUD	(202)514-7023	FBI
§1027	OCRS(L)		FBI; Labor (Pension & Welfare Benefits Administration) & Office fo Labor (Racketeering)
§1028	FRAUD	(202)514-7023	FBI
§1029	FRAUD	(202)514-7023	Secret Service
§1029(7)-(8)	CCIPS	(202) 514-1026	
§1030(a) (1)	CES**	(202) 514-1187	FBI
§1030(a) (2)-(c)	CCIPS	(202) 514-1026	FBI; Secret Service
§1031	FRAUD	(202)514-70237023	FBI
§1032	FRAUD	(202)514-70237023	FBI; F.D.I.C.
§1038	CTS	(202)514-0849	FBI
§1071 (concealing a person from arrest)	DSS	(202) 616-5731	FBI
§1072(concealing an escaped prisoner)	DSS	(202) 616-5731	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1073 (flight to avoid prosecution of giving testimony)	DSS	(202) 616-5731	FBI
§1074 (flight to avoid prosecution for damaging or destroying any building or other real or personal property)	DSS	(202) 616-5731	FBI
§1081 Except	OCRS	(202) 514-3595	D.H.S. (Customs)
§1082(c)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1084	OCRS	(202)514-3595	FBI
§§1091-1093 (genocide) (consultation with DSS/CTS required before instituting any criminal process under torture, war crimes, and genocide statutes) (possible death penalty when death results from the offense)	CTS	(202) 514-0849	FBI
§1111 (murder in special maritime and territorial jurisdiction (SMTJ)) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1112 (manslaughter in SMTJ) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	
§1113(attempt to commit murder or manslaughter in SMTJ)	DSS	(202) 616-5731	
§1114 (murder of federal officials) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	
§1115	FRAUD	(202) 514-7023	FBI
§1116	CTS	(202) 514-0849	FBI
§1117 (conspiracy to commit murder)	DSS	(202) 616-5731	
§1118 (murder by federal prisoner) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	
§1119(foreign murder where both the victim and perpetrator are U.S. nationals) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1120 (murder by escaped prisoner) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	
§1121 (killing persons aiding federal investigations or certain state correctional officers) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	
§§1151-1153	OEO	(202)514-6809	FBI
§§1154-1156	OCRS	(202) 514-3595	Interior
§§1158-1160	OEO	(202)514-6809	FBI
§1161	OCRS	(202) 514-3595	No Offense
§§1162-1165	OEO	(202)514-6809	FBI; Interior (BIA)
Except			
§1165 (forfeiture only)	AFMLS	(202) 514-1263	FBI; Interior (BIA)
§§1166-1168	OEO	(202)514-6809	FBI; Interior (BIA)
§1169	CEOS	(202) 514-5780	None
§1170	OEO	(202)514-6809	FBI; Interior (BIA)
§1201 (kidnaping (except subsection (a) (4) involving an IPP)) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	



<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1202 (kidnap ransom)	DSS	(202) 616-5731	FBI
§1203	CTS	(202) 514-0849	FBI
§1204(international parental kidnaping)	CEOS	(202) 514-5780	FBI
§1231	OCRS(L)*	(202) 514-3595	FBI
§§1262-1265	OCRS	(202) 514-3595	DOJ (ATF)
§1301	OCRS	(202) 514-3595	D.H.S. (Customs)
§§1302-1303	OCRS	(202) 514-3595	U.S.P.S. (Postal Inspection Service)
§1304	OCRS	(202) 514-3595	FBI
§1305	OCRS	(202) 514-3595	D.H.S. (Customs)
§1306	OCRS	(202) 514-3595	FBI
§1307	OCRS	(202) 514-3595	No Offense
§§1341-1314	FRAUD	(202) 514-7023	U.S.P.S. (Postal Inspection Service) (election law fraud
	PIN*	(202)514-1412	
§§1344-1345	FRAUD	(202) 514-7023	FBI
§§1361-1366	CTS	(202)514-0849	FBI
Except			
§1362 (in cases of physical damage)	CTS	(202)514-0849	FBI
(in cases of electronic damage)	CCIPS	(202)514-1026	FBI
§1363(damaging property in SMTJ)	DSS	(202)616-5731	
§1367	CCIPS	(202)514-1026	F.C.C.; FBI

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1381	OEO*	(202)514-6809	FBI
§1382	OEO	(202)514-6809	FBI
§§1384-1385	OEO	(202)514-6809	FBI
§1384	CEOS	(202)514-5780	
§1421 (accounts of court)	DSS	(202)616-5731	D.H.S.
§1422 (fees in naturalization proceedings)	DSS	(202)616-5731	D.H.S.
§1423 (misuse of evidence of citizenship or naturalization)	DSS	(202)616-5731	D.H.S.
§1424 (personation or misuse of papers in naturalization)	DSS	(202)616-5731	D.H.S.
§1425 (procurement of citizenship or naturalization unlawfully)	DSS	(202)616-5731	D.H.S.
§1426(reproduction of naturalization or citizenship papers)	DSS	(202)616-5731	D.H.S.
§1427 (sale of naturalization of citizenship papers)	DSS	(202)616-5731	D.H.S.
§1428 (surrender of canceled naturalization certificate)	DSS	(202)616-5731	D.H.S.
§1439 (penalties for neglect or refusal to answer subpoena)	DSS	(202)616-5731	D.H.S.

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1467	AFMLS	(202) 514-1263	U.S.P.S. (Postal Inspection Service); FBI
§1501 (assault on a process server)	DSS	(202)616-5731	FBI
§1502 (resistance to extradition agent (when violence- including threat thereof-is directed at a person or property; otherwise OEO))	DSS	(202)616-5731	
§1503 (injuring court officer or juror (when violence-including threat there-of is directed at a person or property; otherwise OEO))	DSS	(202)616-5731	
§§1504-1510 Except	FRAUD	(202)514-7023	FBI
§1509 (interference with courtorders (when violence- including a threat thereof-is directed at a person or property; otherwise OEO))	DSS	(202)616-5731	
§1511	OCRS	(202)514-3595	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1512 (killing a witness (when violence-including threat thereof-is directed at a person or property; otherwise Office of Enforcement Operations)) (possible death penalty when death results from the offense)	DSS	(202)616-5731	
§1513 (retaliating against a witness (when violence-including threat thereof-is directed at a person or property; otherwise OEO)) (possible death penalty when death results from the offense)	DSS	(202)616-5731	
§1515	FRAUD	(202)514-7023	FBI
§1516-1517	FRAUD	(202)514-7023	FBI
§1541 (issuance of passports and visas; authority)	DSS	(202)616-5731	
§1542 (false statement in application and use of passport)	DSS	(202)616-5731	
§1543 (forgery or false use of passport)	DSS	(202)616-5731	

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1544 (misuse of passport)	DSS	(202)616-5731	
§1545(safe conduct violation)	DSS	(202)616-5731	
§1546 (fraud and misuse of visas, permits and other documents)	DSS	(202)616-5731	
§§1589-1592	Civil Rights Division		
Except			
§1591	CEOS	(202)514-5780	FBI
§§1621-1623	FRAUD	(202)514-7025	FBI
§§1651-1661	CTS	(202)514-0849	FBI
§§1691-1699	OEO	(202)514-6809	U.S.P.S. (Postal Inspection Service)
§1693	AFMLS	(202)514-1263	
§1700	PIN	(202)514-1412	None
§§1701-1702	OEO	(202)514-6809	U.S.P.S. (Postal Inspection Service)
§1703	PIN	(202)514-1412	None
§§1704-1708	OEO	(202)514-6809	U.S.P.S. (Postal Inspection Service)
§§1709-1713	PIN	(202)514-1412	FBI
§1715 (mailing firearms)	DSS	(202)616-5731	U.S.P.S. (Postal Inspection Service)



<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1716(mailing destructive devices (when the nonmailable article is an explosive or is intended to cause violent injury to a person or property; otherwise OEO)	DSS	(202)616-5731	U.S.P.S. (Postal Inspection Service)
§1716A, B, C	OEO	(202)514-6809	U.S.P.S. (Postal Inspection Service)
§1717	CTS	(202)514-0849	U.S.P.S. (Postal Inspection Service)
§§ 1719-1720	OEO	(202)514-6809	
§1721	PIN	(202)514-1412	FBI
§§ 1722-1725	OEO	(202)514-6809	U.S.P.S. (Postal Inspection Service)
§1726	PIN	(202)514-1412	FBI
§§1728-1731	OEO	(202)514-6809	U.S.P.S. (Postal Inspection Service)
§1732	PIN	(202)514-1412	FBI
§§1733-1734	OEO	(202)514-6809	U.S.P.S. (Postal Inspection Service)
§§1735-1737	CEOS	(202)514-5780	U.S.P.S. (Postal Inspection Service)
§1738	FRAUD	(202)514-7023	FBI
§1751	CTS	(202)514- 0849	FBI
§1752	OEO	(202)514-6809	Secret Service
§§1761-1762	OEO	(202)514-6809	FBI
Except			
§1762 (b)	AFMLS	(202)514-1263	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§1791-1792	OEO	(202)514-6809	FBI
§1793	OEO	(202)514-6809	FBI
§1821	OEO	(202)514-6809	FBI
§1831 (CCIPS, only if domestic)	CES*	(202)514-1187	FBI
§1832	CCIPS**	(202)514-1026	FBI
§§1851-1861	OEO	(202)514-6809	FBI
§1863	OEO	(202)514-6809	FBI
§1864	OEO	(202)514-6809	FBI; Interior
§§1901-1902	PIN	(202)514-1412	FBI
§1903	FRAUD	(202)514-7023	FBI
§1905	PIN*	(202)514-1412	FBI
§§1906-1907	PIN	(202)514-1412	FBI
§§1909-1910	PIN	(202)514-1412	FBI
§1911	FRAUD	(202)514-7023	FBI
§§1912-1913	PIN*	(202)514-1412	FBI
§§1915-1917	PIN	(202)514-1412	FBI
§1918(1)-(2)	CES**	(202)514-1187	FBI
§1918(3)-(4)	CTS	(202)514-0849	FBI
§§1919-1923	FRAUD	(202)514-7023	FBI
§1951 (Hobbs Act- interference with commerce by robbery)	DSS	(202)616-5731	FBI
§1924	CES**	(202)514-3595	FBI
§§1952-1953	OCRS	(202)514-1187	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
Except			
§1952(b)(2) (Bribery involving public servants)	PIN	(202)514-1412	FBI
§1954	OCRS(L)	(202)514-3595	FBI; Labor (Pension and Welfare Benefits Administration and Office of Labor Racketeering)
§1955 (forfeiture only)	OCRS	(202)514-3595	FBI
§1955(d)	AFMLS	(202)514-1263	FBI
§§1956-1957	AFMLS**	(202)514-1263	Treasury; I.R.S.: D.E.A.; FBI
§1958(murder for hire) (possible death penalty when death results from the offense)	DSS	(202)616-5731	
§1959	OCRS**	(202) 514-3595	FBI
§1960	AFMLS**	(202) 514-1263	Treasury; I.R.S.: D.E.A.; FBI
§§1961-1968	OCRS**	(202) 514-3595	FBI
(Obscenity only)	CEOS*	(202) 514-5780	FBI
§1963 (Forfeiture only)	AFMLS*	(202) 514-1263	FBI
§1991 (train robbery and murder)	DSS	(202) 616-5731	
§§1992-1993	CTS	(202)514-0849	FBI
§2071(a)	OEO	(202)514-6809	FBI

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§2071(b)-2073	PIN	(202) 514-1412	FBI
§2074	FRAUD	(202) 514-7023	FBI
§§2075-2076	PIN	(202) 514-1412	FBI
§§2101-2102	CTS*	(202)514-0849	FBI
§2111 ( robbery in SMTJ)	DSS	(202)616-5731	FBI
§2112 (robbery of U.S. property)	DSS	(202)616-5731	
§2113 (bank robbery) (possible death penalty when death results from the offense)	DSS	(202)616-5731	
§2114 (postal robbery and receipt of proceeds)	DSS	(202)616-5731	FBI; U.S.P.S.
§§2115-2116	OEO	(202)514-6809	FBI
§2117	OEO	(202)514-6809	FBI
§2118	NDDS*	(202) 514-0917	FBI
§2119 (carjacking) (possible death penalty when death results from the offense)	DSS	(202) 616-5731	FBI
§§2151-2157	CES**	(202) 514-1187	FBI
§§2191-2196	OEO	(202) 514-6809	FBI
§2197	OEO	(202) 514-6809	FBI
§2198	OEO	(202) 514-6809	FBI
§2199	OEO	(202) 514-6809	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§2231 (assault upon a person executing a search warrant)	DSS	(202) 616-5731	
§§2232-2233	FRAUD	(202) 514-7023	FBI
§§2234-2235	PIN	(202) 514-1412	FBI
§2236	ALL		None
§§2241-2248 (sexual abuse (when the victim is an adult-i.e., 18 years of age or older-otherwise CEOS))	DSS	(202) 616-5731	
§§2251-2252	CEOS*	(202) 514-5780	FBI; U.S.P.S. (Postal Inspection Service); D.H.S. (Customs)
§§2253-2254	AFMLS	(202) 514-1263	FBI; U.S.P.S. (Postal Inspection Service); D.H.S. (Customs)
	CEOS	(202) 514-5780	
§2253	OPL	(202) 514-3202	
§§2255-2259	CEOS	(202) 514-5780	FBI; U.S.P.S. (Postal Inspection Service); D.H.S. (Customs)
§2255	OPL	(202) 514-3202	
§2258	CEOS	(202) 514-5780	FBI
§2261 (interstate domestic violence)	DSS	(202) 616-5731	
§2261A (interstate stalking)	DSS	(202) 616-5731	



<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§2262(interstate violation of protective order)	DSS	(202) 616-5731	
§§2271-2278	CTS	(202) 514-0849	FBI
Except			
§2274 (forfeiture only)	AFMLS	(202) 514-1263	FBI
§2279	OEO	(202) 514-6809	FBI
§§2280-2281	CTS	(202) 514-0849	FBI
§§ 2311-2317	OEO	(202) 514-6809	FBI
§2318-2320	CCIPS	(202) 514-1026	FBI
Except			
§2318(d)	AFMLS	(202) 514-1263	FBI
§2321	OEO	(202) 514-6809	FBI
§§2331-2339(b)	CTS	(202) 514-0849	FBI
Except			
§2332(d)	CES	(202) 514-1187	FBI, D.H.S., Customs
§2332(f)	CTS	(202) 514-0849	FBI
§2339A-D	CTS	(202) 514-0849	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§2340-2340B (torture) (consultation with DSS/CTS is required before instituting any criminal process under torture, war crimes, or genocide) (possible death penalty when death results from the offense)	CTS	(202) 514-0849	FBI
§§2341-2346 Except	OCRS	(202) 514-3595	FBI; DOJ (ATF)
§2344(c)	AFMLS	(202) 514-1263	FBI; DOJ (ATF)
§§2381-2391	CES**	(202) 514-1187	FBI
§§2421-2424	CEOS**	(202) 514-5780	FBI; D.H.S. (Customs)
§2441 (war crimes) (consultation with DSS/CTS is required before instituting any criminal process under torture, war crimes, or genocide) (possible death penalty when death results from the offense)	CTS	(202) 514-0849	
§§2510-2522 (except as assigned to CCIPS)	OEO	(202) 514-6809	No Offense

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§2510-2515 (advice and policy for computers and electronic communications, except pagers, and for enforcement of criminal provisions in 2511-2)	CCIPS	1026	FBI
§2516	OEO**	(2026809) 514-	No Offense
§2517	OEO	(202) 5146809-	No Offense
§2518	OEO**	(202) 514-6809	No Offense
§§2519-2522	OEO	(202) 514-6809	No Offense
§§2701-2709 (including criminal offense, 2701)	CCIPS	(202) 514-1026	FBI
§2711	CCIPS	(202) 514-1026	No Offense
§2712	CTS	(202) 514-0849	FBI

#### **9-14.130 18 U.S.C. 3000-: Procedure**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§3013	All		None
§§3041-3044	All		None
§§3046-3050	All		None
§§3052-3053	All		None
§3055	OEO	(202) 514-6809	None
§3056	All		None

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3056(b)	OEO	(202) 514-6809	FBI
§3056(d)	CTS	(202) 514-0849	FBI
§3057	FRAUD	(202) 514-7023	FBI
§3058	CES**	(202) 514-1187	D.H.S.; FBI
§3059B (Attorney General's General Reward Authority (repealed on 11/02/02)	DSS	(202) 616-5731	
§§3060-3061	All		None
§3062	OEO	(202) 514-6809	
§3063	OEO	(202) 514-6809	None
§§3071-3077	CTS	(202) 514-0849	
§3103a	All		None
§3105	All		None
§3107	All		None
§3109	All		None
§3113	AFMLS	(202) 514-1263	None
§3117	OEO	(202) 514-6809	FBI
§3118	OEO	(202) 514-6809	FBI
§3121	CCIPS	(202) 514-1026	FBI
§§3122-3124 (for wire communications and pagers)	OEO	(202) 514-6809	No Offense
§§3122-3124 (for computers and electronic communications, except pagers)	CCIPS	(202) 514-1026	No Offense

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§3125	OEO	(202) 514-6809	No Offense
§§3126-3127	CCIPS	(202) 514-6809	No Offense
§§3126-3127 (for computers and electronic communications, except pagers)	OEO**	(202) 514-1026	No Offense
§§3141-3156	OPL	(202) 514-3202	No Offense
§§3161-3174	APP	(202) 514-3521	None
§§3181-3196	OIA	(202) 514-4676	None
§3236 (venue for murder)	DSS	(202) 616-5731	None
§§3237-3238	All		None
§§3242-3243	OEO	(202) 514-6809	None
§3244	OEO	(202) 514-6809	No Offense
§§3281-3282	All		None
§3283	FRAUD	(202) 514-7023	None
§3284	FRAUD	(202) 514-7023	None
§3285	All		None
§3286	CTS	(202) 514-0849	None
§§3287-3290	All		None
§3291	DSS	(202) 616-5731	None
§3292	OIA	(202) 514-4676	None
§3293	FRAUD	(202) 514-7023	FBI
§§3321-3322	All		None
§§3331-3334	All		None
§§3401-3402	OEO	(202) 514-6809	None



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3432	All		None
§3435	OEO	(202) 514-6809	FBI
§3481	All		None
§3487	PIN	(202) 514-1412	FBI
§3488	OCRS	(202) 514-3595	None
§§3491-3495	OIA	(202) 514-4676	None
§3497	PIN	(202) 514-1412	FBI
§§3500-3502	All		None
§3504	OEO	(202) 514-6809	FBI
§§3505-3506	OIA	(202) 514-4676	None
§3507	OIA*	(202) 514-4676	None
§3508	OIA	(202) 514-4676	Interpol
§3509	CEOS	(202) 514-5780	None
§3521	NDDS	(202) 514-0197	U.S. Marshals Service
§§3521-3528	OEO**	(202) 514-6809	None
§3553	NDDS	(202) 514-0917	None
§3554	AFMLS	(202) 514-1263	None
§§3561-3566	OEO	(202) 514-6809	Bureau of Prisons
§3566	OPL	(202) 514-3062	
§§3571-3574	All		None
§§3581-3586	OPL	(202) 514-3202	None
§§3591-3598	CCU	(202) 514-0849	None
	NDDS	(202) 514-0917	None
§3591(b)	NDDS	(202) 514-0917	DEA
§3606	OEO	(202) 514-6809	Commerce

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§3607	NDDS	(202) 514-0917	D.H.S. (Coast Guard)
§3611	All		None
§3612	PIN	(202) 514-1412	FBI
§§3613-3615	OEO	(202) 514-6809	FBI
§§3621-3625	OEO	(202) 514-6809	FBI
§§3661-3662	OEO	(202) 514-6809	FBI
§3671	CTS	(202) 514-0849	FBI
§§3681-3682	AFMLS	(202) 514-1263	None
§§3691-3692	All		None
§3731	APP	(202) 514-3521	None
§4001	OEO	(202) 514-6809	Bureau of Prisons
§4004	OEO	(202) 514-6809	Bureau of Prisons
§4012	OEO	(202) 514-6809	Bureau of Prisons
§§4081-4086	OEO	(202) 514-6809	Bureau of Prisons
§§4100-4115	OEO	(202) 514-6809	None
§§4241-4247	OEO	(202) 514-6809	Bureau of Prisons
§4282	OEO	(202) 514-6809	Bureau of Prisons; U.S. Marshals Service
§4285	OEO	(202) 514-6809	Bureau of Prisons; U.S. Marshals Service
§5001 (surrender to state authorities)	DSS	(202) 616-5731	FBI; U.S. Marshals Service
§5003 (surrender to state authorities)	DSS	(202) 616-5731	Bureau of Prisons

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§5031-5042 (juvenile delinquency)	DSS	(202) 616-5731	Bureau of Prisons; FBI
§6001	OEO	(202) 514-6809	None
§§6002-6003	OEO**	(202) 514-6809	None
§§6004-6005	OEO	(202) 514-6809	None

#### **9-4.131 18 U.S.C.: Appendix**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
Interstate Agreement on Detainers	OEO	(202) 514-6809	FBI
F.R.Cr.P.	APP	(202) 514-3521	None
	OPL	(202) 514-3202	None
III	CES	(202) 514-1187	None

#### **9-4.132 19 U.S.C.: Customs Duties**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§60	PIN	(202) 514-1412	FBI
§70	OEO	(202) 514-6809	D.H.S. (Customs)
§81s	FRAUD	(202) 514-7023	Treasury
§130	AFMLS	(202) 514-1263	D.H.S. (Customs)

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§282	AFMLS	(202) 514-1263	D.H.S. (Customs)
§467	AFMLS	(202) 514-1263	D.H.S. (Customs)
§468	AFMLS	(202) 514-1263	I.R.S.
§469	AFMLS	(202) 514-1263	FBI
§482	AFMLS	(202) 514-7023	None
§507	AFMLS	(202) 514-7023	Treasury
§§1304-1305 (treasonous literature)	CES	(202) 514-1187	FBI; D.H.S. (Customs)
(Obscene materials)	CEOS	(202) 514-5780	
(All other material)	OEO	(202) 514-6809	FBI; D.H.S. (Customs)
	AFMLS	(202) 514-1263	FBI; Treasury
§1322	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1338(f)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1341	FRAUD	(202) 514-7023	FBI
§1401	NDDS	(202) 514-0917	D.H.S. (Customs)
§1432	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1436	FRAUD	(202) 514-7023	D.H.S. (Customs)
(Forfeiture only)	AFMLS	(202) 514-1263	
§1438	FRAUD	(202) 514-7023	D.H.S. (Customs)
§§1449-1455	FRAUD	(202) 514-7023	D.H.S. (Customs)
Except			
§1453 (forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1462	FRAUD	(202) 514-7023	D.H.S. (Customs)
(Forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§1464-1465	FRAUD	(202) 514-7023	D.H.S. (Customs)
Except			
§1464	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1466	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1497	FRAUD	(202) 514-7023	D.H.S. (Customs)
(Forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1510	FRAUD	(202) 514-7023	D.H.S. (Customs)
§1510(b)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1526 (forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1527	FRAUD	(202) 514-7023	D.H.S. (Customs)
(Forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§§1581-1582	FRAUD	(202) 514-7023	D.H.S. (Customs)
§§1584-1587	FRAUD	(202) 514-7023	D.H.S. (Customs)
(forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1588	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1590	NDDS	(202) 514-0917	D.H.S. (Customs)
(forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1592	FRAUD	(202) 514-7023	D.H.S. (Customs)
Except			
§1592(c)(5)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1594 (forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1595(a)	FRAUD	(202) 514-7023	D.H.S. (Customs)
	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1595a	FRAUD	(202) 514-7023	D.H.S. (Customs)



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1599	PIN	(202) 514-1412	D.H.S. (Customs)
§§1602-1618	AFMLS	(202) 514-7023	D.H.S. (Customs)
§1620	PIN	(202) 514-1412	FBI
§ 1627a	AFMLS	(202) 514-1263	D.H.S. (Customs)
§1629(d)	AFMLS	(202) 514-1263	D.H.S. (Customs)
Except			
§1703(a)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§§1706-1708	FRAUD	(202) 514-7023	D.H.S. (Customs)
(Forfeiture only)	FRAUD	(202) 514-7023	D.H.S. (Customs)
§§1919	FRAUD	(202) 514-7023	FBI
	FRAUD	(202) 514-7023	FBI
§§2091-2095 (forfeiture only)	AFMLS	(202) 514-1263	D.H.S. (Customs)
§2093	FRAUD	(202) 514-7023	
§2316	FRAUD	(202) 514-7023	FBI
§2349	FRAUD	(202) 514-7023	FBI

#### 9-4.133 20 U.S.C.: Education

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1097	FRAUD	(202) 514-7023	

## 9-4.134 21 U.S.C.: Food and Drugs

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§101-105	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§§111-131	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§134a-e	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§135a	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§§151-158	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§§331-334	Office of Consumer Litigation (OCL) B187	(202) 307-3009	Food and Drug Administration (including FDA Office of Criminal Investigations)
§§458-461(b)	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§461(c) (assault upon poultry inspectors)	DSS	(202) 616-5731	
§§463-467	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
Except			
§467(b) (forfeiture only)	AFMLS	(202)514-1263	Agriculture (Office of Investigations)
§§606-674	FRAUD	(202) 514-7023	Agriculture (Office of Investigations);FBI
§675 (assault upon meat inspectors)	DSS	(202) 616-5731	
§676	FRAUD	(202) 514-7023	

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
Except			
§673 (forfeiture only)	FRAUD	(202) 514-7023	Agriculture (Office of Investigations); FBI
§675	FRAUD	(202) 514-7023	Agriculture (Office of Investigations); FBI
§676	FRAUD	(202) 514-7023	Agriculture (Office of Investigations); FBI
§§801-971	NDDS	(202) 514-0917	D.E.A.; FBI
(Forfeiture only)	AFMLS*	(202) 514-1263	D.E.A.; FBI
§801-878	FRAUD	(202) 514-7023	
§941(b)	FRAUD	(202) 514-7023	
§952-953	FRAUD	(202) 514-7023	
Except			
§802(32)	NDDS**	(202) 514-0917	D.E.A.; FBI
§813	NDDS**	(202) 514-0917	D.E.A.; FBI
§841(a)(2)	NDDS*	(202) 514-0917	D.E.A.; FBI
§848	NDDS*	(202) 514-0917	D.E.A.; FBI
§849	NDDS*	(202) 514-0917	D.E.A.; FBI
§853	AFMLS*	(202) 514-1263	D.E.A.; FBI
§857	NDDS	(202) 514-0917	D.E.A.
§875	NDDS*	(202) 514-0917	Postal Service; D.E.A.
§881	AFMLS	(202) 514-1263	D.E.A.; FBI; Postal Service
§881 (f)(2)	NDDS	(202) 514-0917	D.E.A.; Customs

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§888	AFMLS	(202) 514-1263	D.E.A.; Customs
§967-969	OEO	(202) 514-6809	None
§1037	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§1041(a), (b)	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§1041(c) (assault upon egg inspectors)	DSS	(202) 616-5731	Agriculture (Office of Investigations)
§1049 (forfeiture only)	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)

#### **9-4.135 22 U.S.C.: Foreign Relations and Intercourse**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§211a	FRAUD	(202)514-7023	
§286f(b)	OEO	(202) 514-6809	FBI
§286f(c)	PIN	(202) 514-1412	FBI
§287c	CES**	(202) 514-1187	FBI
§401	CES (civil penalties)	(202) 514-1187	D.H.S. (Customs); State
	AFMLS (forfeiture only)	(202)514-1263	D.H.S. (Customs); State
	CES	(202) 514-1187	D.H.S. (Customs); State
§455	CES**	(202) 514-1187	FBI
§§611-621	CES**	(202) 514-1187	FBI

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1623(e)-(f)	FRAUD	(202)514-7023	Foreign Claims Settlement Comm.
§1631j-n	FRAUD	(202)514-7023	FBI
§1641p	FRAUD	(202)514-7023	Foreign Claims Settlement Comm.
§1642m	FRAUD	(202)514-7023	Foreign Claims Settlement Comm.
§1643k	FRAUD	(202)514-7023	Foreign Claims Settlement Comm.
§1731	DSS (protection to naturalized citizens abroad)	(202) 616-5731	State
§1732	DSS (release of citizens imprisoned by foreign governments)	(202) 616-5731	State
§1978	AFMLS	(202) 514-1263	D.H.S. (Customs)
§2291(c)	NDDS	(202) 514-0917	State; Transportation
§2667	All		None
§2708	CTS	(202) 514-0849	State
	NDDS	(202) 514-0917	State
§2712(f)	CTS	(202) 514-0849	D.H.S. (Customs); FBI
§§2774-2777	CES	(202) 514-1187	D.H.S. (Customs);
§2778	CES**	(202) 514-1187	D.H.S. (Customs); State
§4199	PIN	(202) 514-1412	FBI
§4202	PIN	(202) 514-1412	FBI
§§4217-4218	PIN	(202) 514-1412	FBI



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§4221	FRAUD	(202) 514-7023	FBI

#### **9-4.137 24 U.S.C.: Hospitals and Asylums**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§154	OEO	(202) 514-6809	FBI

#### **9-4.138 25 U.S.C.: Indians**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§202	OEO	(202) 514-6809	FBI
§251	OEO	(202) 514-6809	Interior
§399	OEO	(202) 514-6809	FBI
§450d	FRAUD	(202) 514-7023	FBI

#### **9-4.139 26 U.S.C.: Internal Revenue Code**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3121(b) 17	CES	(202) 514-1187	Treasury
§§4181-4182	DSS	(202) 616-5731	DOJ (ATF)
§§4401-4405	OCRS	(202) 514-3595	Treasury; I.R.S.
§§4411-4414	OCRS	(202) 514-3595	Treasury; I.R.S.
§§4421-4423	OCRS	(202) 514-3595	Treasury; I.R.S.

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§5001-5687 Except	OCRS	(202) 514-3595	DOJ (ATF)
§§5607-5608 (forfeiture only)	AFMLS	(202) 514-1263	DOJ (ATF)
§§5612-5613	AFMLS	(202) 514-1263	DOJ (ATF)
§5615	AFMLS	(202) 514-1263	DOJ (ATF)
§5661(a) (forfeiture only)	AFMLS	(202) 514-1263	DOJ (ATF)
§5671 (forfeiture only)	AFMLS	(202) 514-1263	DOJ (ATF)
§5673	AFMLS	(202) 514-1263	DOJ (ATF)
§5681(c) (forfeiture only)	AFMLS	(202) 514-1263	DOJ (ATF)
§5683 (forfeiture only)	AFMLS	(202) 514-1263	DOJ (ATF)
§5685(c) (forfeiture only)	AFMLS	(202) 514-1263	DOJ (ATF)
§5688	AFMLS	(202) 514-1263	DOJ (ATF)
§5691	OCRS	(202) 514-3595	DOJ (ATF)
§5723(c)-(d)	FRAUD	(202) 514-1263	DOJ (ATF)
§5763	AFMLS	(202) 514-1263	DOJ (ATF)
§5801	DSS	(202) 616-5731	
§5802	DSS	(202) 616-5731	DOJ (ATF)
§5803	DSS	(202) 616-5731	
§5804	DSS	(202) 616-5731	
§§5811-5812	DSS	(202) 616-5731	DOJ (ATF)
§§5821-5822	DSS	(202) 616-5731	DOJ (ATF)
§§5841-5849	DSS	(202) 616-5731	DOJ (ATF)
§§5851-5854	DSS	(202) 616-5731	DOJ (ATF)

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§5861	DSS	(202) 616-5731	DOJ (ATF)
§5871	DSS	(202) 616-5731	DOJ (ATF)
§5872(a)	AFMLS	(202) 514-1263	DOJ (ATF)
§6050I	AFMLS	(202) 514-1263	Treasury; I.R.S.
§6103	OEO**	(202) 514-6809	All DOJ Components
§7122 (statutes administered by Criminal Division)	AFMLS	(202) 514-1263	DOJ (ATF); Customs, Secret Service
§§7201-7209	All		I.R.S.
§7212	OEO	(202) 514-6809	FBI; I.R.S.
§7213	PIN*	(202) 514-1412	Treasury; I.R.S.
§7214	PIN	(202) 514-1412	FBI
§7262	OCRS	(202) 514-3595	Treasury; I.R.S.
§7272	FRAUD	(202) 514-7023	Treasury ; I.R.S.
§7301-7303	AFMLS	(202) 514-1263	DOJ (ATF)
§7321-7327	AFMLS	(202) 514-1263	DOJ (ATF)
§9012	PIN	(202) 514-1412	FBI; Federal Election Commission
§9042	PIN	(202) 514-1412	FBI; Federal Election Commission

#### **9-4.141 27 U.S.C.: Intoxicating Liquor**

<b>STATUS</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§205-207  Except	OCRS	(202) 514-3595	DOJ (ATF)

STATUS	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§206 (forfeiture only)	AFMLS	(202) 514-1263	DOJ (ATF)

#### 9-4.142 28 U.S.C.: Judiciary and Judicial Procedure

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§455	All		None
§524(C)	AFMLS	(202) 514-1263	Related agency; D.E.A.; FBI; D.H.S.; U.S. Marshals Service; I.R.S.; Postal Services
§530C(b)(1)(L) (permanent authority for the AG to pay public rewards) (added 11/02/02))	DSS	(202) 616-5731	
§540	DSS	(202) 616-5731	FBI
§540A	DSS	(202) 616-5731	FBI
§540B	DSS	(202) 616-5731	FBI
§§591-592	PIN	(202) 514-1412	FBI or other agency involved
§1355	AFMLS	(202) 514-1263	None
§1395	AFMLS	(202) 514-1263	None
§§991-998	OPL	(202) 514-3202 (202) 514-4182	None
§1746	FRAUD	(202) 514-7023	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§1781-1784	OIA	(202) 514-4676	None
§1822	All		None
§1826	OEO	(202) 514-6809	U.S. Marshals Service
§1875	OEO	(202) 514-6809	U.S. Marshals Service
§§2241-2250 (Aliens) (All others)	FRAUD	(202) 514-7023	D.H.S.; Bureau of Prisons
§2253 (Aliens) (All others)	FRAUD	(202) 514-7023	D.H.S.; Bureau of Prisons
§2255	All		None
§2461	AFMLS	(202) 514-1263	None
§2465	AFMLS	(202) 514-1263	None
§2514	AFMLS	(202) 514-1263	U.S. Claims Court
§2678	FRAUD	(202) 514-7023	FBI

#### 9-4.143 28 U.S.C.: Appendix

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
F.R.E.	APP	(202) 514-3521	None



**9-4.144 29 U.S.C.: Labor**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§162	OCRS(L)	(202) 514-3666	FBI
§186	OCRS(L)	(202) 514-3666	FBI; Labor (Office of Labor Racketeering per annual deputation of Sp. Dep. U.S. Marshals)
§§431-439	OCRS(L)	(202) 514-3666	Labor (Office of Labor Management Standards)
§§461 & 463	OCRS(L)	(202) 514-3666	Labor (Office of Labor Management Standards)
§501(c)	OCRS(L)	(202) 514-3666	FBI; Labor (Office of Labor Management Standards & Office of Labor Racketeering)
§502	OCRS(L)	(202) 514-3666	Labor (Office of Labor Management Standards)
§503(a)	OCRS(L)	(202) 514-3666	Labor (Office of Labor Management Standards)
§503(b)	OCRS(L)	(202) 514-3666	FBI (employers payments); Labor (Office of Labor Management Standards) (union payments)

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§504	OCRS(L)*	(202) 514-3666	FBI; Labor (Office of Labor Management Standards)
§521	OCRS	(202) 514-3595	FBI
	OCRS(L)	(202) 514-3666	FBI; Labor (Office of Labor Management Standards)
§522	OCRS(L)	(202) 514-3666	FBI
§528	OCRS(L)	(202) 514-3666	FBI
§530	OCRS(L)	(202) 514-3666	FBI; Labor (Office of Labor Racketeering on case-by-case basis)
§666(e)-(f)	FRAUD	(202) 514-7023	Occupational Safety and Health Administration
§666(g)	FRAUD	(202) 514-7023	FBI
§1111	OCRS(L)*	(202) 514-3666	FBI; Labor (Pension and Welfare Benefits Administration and Office of Labor Racketeering)
§1131	OCRS(L)	(202) 514-3666	Labor (Pension & Welfare Benefits Administration)
§1141	OCRS(L)	(202) 514-3666	FBI; Labor (Pension and Welfare Benefits Adm. And Office of Labor Racketeering)

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§1851	FRAUD	(202) 514-7023	Labor

#### 9-4.145 30 U.S.C.: Mineral Lands and Mining

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§184	AFMLS	(202) 514-1263	Interior
§689	FRAUD	(202) 514-7023	FBI
§§801-878	FRAUD	(202) 514-7023	Interior (MESA)
§933	FRAUD	(202) 514-7023	Interior (MESA)
§942	FRAUD	(202) 514-7023	Interior (MESA)
§1211(f)	PIN	(202) 514-1412	FBI
§1267(g)	PIN	(202) 514-1412	FBI
§1294	OCRS	(202) 514-3595	
§1463	FRAUD	(202) 514-7023	Commerce (National Oceanic and Atmospheric Admin.)
§1466	AFMLS	(202) 514-1263	Interior
§1720	FRAUD	(202) 514-7023	Interior

**9-4.146 31 U.S.C.: Money and Finance**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§1341-1342	PIN	(202) 514-1412	FBI
§1350	PIN	(202) 514-1412	FBI
§1517	PIN	(202) 514-1412	FBI
§1519	PIN	(202) 514-1412	FBI
§5111	FRAUD	(202)514-7023	D.H.S. (Secret Service)
Except			
§5111(d)(3)	AFMLS	(202)514-1263	D.H.S. (Secret Service)
§§5311-5312	AFMLS	(202)514-1263	Treasury
§§5313-5315	AFMLS	(202)514-1263	D.H.S. (Customs)
	FRAUD	(202)514-7023	D.H.S. (Customs)
§§5316-5317	AFMLS	(202)514-1263	D.H.S. (Customs)
	FRAUD	(202)514-7023	D.H.S. (Customs)
	OCRS	(202)514-3595	FBI
§5317(c)	AFMLS*	(202)514-1263	D.H.S. (Customs)
§5318(2)	FRAUD	(202)514-7023	D.H.S. (Customs)
§5321(a)(1), (a)(3)	FRAUD	(202)514-7023	FBI
	AFMLS	(202)514-1263	FBI
§5321(a)(2)	FRAUD	(202)514-7023	D.H.S. (Customs)
	AFMLS	(202)514-1263	D.H.S. (Customs)
§5321(a)(4)	AFMLS	(202)514-1263	D.H.S. (Customs)
§5322	FRAUD	(202)514-7023	D.H.S. (Customs)
§5323	AFMLS	(202)514-1263	D.H.S. (Customs)
§9703	AFMLS	(202)514-1263	Treasury

## 9-4.147 33 U.S.C.: Navigation and Navigable Waters

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§1-3	FRAUD	(202) 514-7023	Defense (Army Corps of Engineers)
§§401-533	FRAUD	(202) 514-7023	Transportation; Defense
§473c-1	FRAUD	(202) 514-7023	
§473c-2	FRAUD	(202) 514-7023	
§482	FRAUD	(202) 514-7023	
§491	FRAUD	(202) 514-7023	
§496	FRAUD	(202) 514-7023	
§497	FRAUD	(202) 514-7023	
§499a-499r	FRAUD	(202) 514-7023	
§503	FRAUD	(202) 514-7023	
§505	FRAUD	(202) 514-7023	
§507	FRAUD	(202) 514-7023	
§511i	FRAUD	(202) 514-7023	
§511k	FRAUD	(202) 514-7023	
§521-526	FRAUD	(202) 514-7023	
§§554-555	FRAUD	(202) 514-7023	Defense (Army Corps of Engineers)
§601	FRAUD	(202) 514-7023	Defense (Army Corps of Engineers)
§682	FRAUD	(202) 514-7023	Interior (Soliciter's Office-Energy & Resources Division)
§928	FRAUD	(202) 514-7023	FBI
§931	FRAUD	(202) 514-7023	FBI



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§937	FRAUD	(202) 514-7023	Labor (Solicitor's Office Employees' Benefit Division)
§938	FRAUD	(202) 514-7023	FBI
§941	FRAUD	(202) 514-7023	Labor
§990(a)-(c)	FRAUD	(202) 514-7023	FBI
§1227	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)
§1319(c)	FRAUD	(202) 514-7023	Agency Involved; FBI if major investigation is required
§1908	FRAUD	(202) 514-7023	D.H.S. (Coast Guard-contact local Coast Guard District Commander)

#### 9-4.151 35 U.S.C.: Patents

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§33	FRAUD	(202) 514-7023	FBI
§§181-185	CES**	(202) 514-1187	FBI
§186	CCIPS	(202) 514-1026	FBI
§§187-188	CES**	(202) 514-1187	FBI
§289	FRAUD	(202) 514-7023	FBI
§292	FRAUD	(202) 514-7023	FBI

#### **9-4.152 36 U.S.C.: Patriotic Societies and Observances**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§179-181	FRAUD	(202) 514-7023	FBI
§728	OEO	(202) 514-6809	FBI

#### **9-4.154 38 U.S.C.: Veterans' Benefits**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§218	OEO	(202) 514-6809	VA Special Police; FBI
§787	FRAUD	(202) 514-7023	FBI
§1790	FRAUD	(202) 514-7023	FBI
§3313	FRAUD	(202) 514-7023	FBI
§3405	FRAUD	(202) 514-7023	FBI
§§3501-3502	FRAUD	(202) 514-7023	FBI
§5701	PIN	(202) 514-1412	FBI

#### **9-4.155 39 U.S.C.: Postal Service**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§606	AFMLS	(202) 514-1263	U.S.P.S. (Postal Inspection Service)
§3001	OEO	(202) 514-6809	U.S.P.S. (Postal Inspection Service)

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§3005	FRAUD	(202) 514-7023	U.S.P.S. (Postal Inspection Service)
§3008	CEOS	(202) 514-5780	U.S.P.S. (Postal Inspection Service)
§§3010-3011	CEOS	(202) 514-5780	U.S.P.S. (Postal Inspection Service)

#### **9-4.156 40 U.S.C.: Public Buildings, Property, and Works**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§13f-p	OEO	(202) 514-6809	Marshal of Supreme Court
§56	OEO	(202) 514-6809	FBI
§101	OEO	(202) 514-6809	Federal Police Forces
§193 b-h, n-s	OEO	(202) 514-6809	Capitol Police; Special Police; U.S. Park Police
§212a	OEO	(202) 514-6809	Capitol Police
§212b	OEO	(202) 514-6809	Capitol Police
§255	OEO	(202) 514-6809	None
§276a	FRAUD	(202) 514-7023	Labor; FBI
§318a-c	OEO	(202) 514-6809	FBI
§318d	OEO	(202) 514-6809	G.S.A.
§328	FRAUD	(202) 514-7023	Labor; FBI
§332	FRAUD	(202) 514-7023	Labor; FBI
§883	OEO	(202) 514-6809	Labor; FBI

#### **9-4.157 40 U.S.C.: Appendix**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§402	FRAUD	(202) 514-7023	Labor; FBI

#### **9-4.158 41 U.S.C.: Public Contracts**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§35-36	FRAUD	(202) 514-7023	FBI
§51	FRAUD	(202) 514-7023	FBI
§54	FRAUD	(202) 514-7023	FBI
§119	FRAUD	(202) 514-7023	FBI

#### **9-4.159 42 U.S.C.: The Public Health and Welfare**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§261(b)-(c)	OEO	(202) 514-6809	FBI
§262	FRAUD	(202)514-7023	H.H.S.
§263a	FRAUD	(202)514-7023	H.H.S.
§§264-272	FRAUD	(202)514-7023	H.H.S.
§274(e)	OEO	(202)514-6809	FBI
§406	FRAUD	(202)514-7023	H.H.S.
§408	FRAUD	(202)514-7023	H.H.S.
§410(a)(17)	CES	(202)514-1187	H.H.S.

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§1306-1307	FRAUD	(202)514-7023	H.H.S.
§1320c-9	PIN	(202)514-1412	FBI
§1395nn	FRAUD	(202)514-7023	H.H.S.
§1396h	FRAUD	(202)514-7023	H.H.S.
§1973i(c)	PIN*	(202)514-1412	FBI
§1973i(e)	PIN*	(202)514-1412	FBI
§2000aa (except as assigned to CCIPS)	OEO	(202)514-6809	No Offense
§2000aa (for electronic evidence)	CCIPS	(202)514-1023	No Offense
§2271	FRAUD	(202)514-7023	FBI
§2272-2273	FRAUD	(202)514-7023	FBI
§§2274-2278	CES**	(202)514-1187	FBI
§2278a	OEO	(202)514-6809	FBI
§2278b	CES	(202)514-1187	FBI
§2280	FRAUD	(202) 514-7023	FBI
§2281	OEO	(202)514-6809	FBI
§2282	FRAUD	(202) 514-7023	FBI
§2283	CTS	(202)514-0849	FBI
§2284 (Violations undertaken on behalf of a foreign government)	CTS**	(202)514-1187	FBI
	ENRD (consult where there are environmental concerns)		
§3220(a)-(b)	FRAUD	(202) 514-7023	FBI
§3222	FRAUD	(202) 514-7023	Labor



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3425	OEO	(202)514-6809	FBI
§3771	PIN	(202)514-1412	FBI
§§3791-3793	FRAUD	(202) 514-7023	FBI
§§3795-3795b	FRAUD	(202) 514-7023	FBI
§5175	FRAUD	(202) 514-7023	FBI
§§5410(b)-5420	FRAUD	(202) 514-7023	FBI
§7413	FRAUD	(202) 514-7023	FBI
§§8431-8435	FRAUD	(202) 514-7023	FBI

#### **9-4.161 43 U.S.C.: Public Lands**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§104	OEO	(202) 514-6809	FBI
§315a	OEO	(202) 514-6809	FBI
§316k	OEO	(202) 514-6809	FBI
§362	OEO	(202) 514-6809	FBI
§§1061-1062	OEO	(202) 514-6809	FBI
§1063	CTS	(202) 514-0849	FBI
§1212	FRAUD	(202) 514-7023	FBI
§§1331-1343	FRAUD	(202) 514-7023	Labor (MSHA)
§1605(b)	PIN	(202) 514-1412	FBI
§1619(f)(2)	FRAUD	(202) 514-7023	FBI

## 9-4.163 45 U.S.C.: Railroads

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§1-18	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§13	FRAUD	(202) 514-7023	
§23	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§§28-29	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§32	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§34	FRAUD	(202) 514-7023	Transportation
§§38-39	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§60	FRAUD	(202) 514-7023	FBI
§§62-63	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§64a(a)	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§§65-66	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§§71-73	FRAUD	(202) 514-7023	Agriculture (Office of Investigations)
§81	FRAUD	(202) 514-7023	Treasury (Fiscal Service)

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§83	FRAUD	(202) 514-7023	None
§152, Tenth	OCRS (L)	(202) 514-3666	FBI; Labor (Office of Labor Racketeering per annual deputation as Sp. Dep. U.S. Marshals)
§2311	FRAUD	(202) 514-7023	FBI
§355(i)	FRAUD	(202) 514-7023	FBI
§359	FRAUD	(202) 514-7023	FBI
§438	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)
§546(b)	FRAUD	(202) 514-7023	Transportation (Federal Railway Admin.)

#### **9-4.164 46 U.S.C.: Shipping**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§2106-2107	OEO	(202) 514-6809	D.H.S. (Coast Guard)
§2302	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)
§2304	OEO	(202) 514-6809	D.H.S. (Coast Guard)
§3305	FRAUD	(202) 514-7023	Transportation
§3306(a)(5)	FRAUD	(202) 514-7023	Transportation
§3318	FRAUD	(202) 514-7023	FBI

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3501	FRAUD	(202) 514-7023	Transportation
§3713	FRAUD	(202) 514-7023	D.H.S. (Coast Guard)
§3718	FRAUD	(202) 514-7023	Transportation
§4307	FRAUD	(202) 514-7023	Transportation
§4311	FRAUD	(202) 514-7023	Transportation
§6306	FRAUD	(202) 514-7023	FBI
§7101	FRAUD	(202) 514-7023	FBI
§7106	FRAUD	(202) 514-7023	FBI
§7703	FRAUD	(202) 514-7023	FBI
§8102	FRAUD	(202) 514-7023	FBI
§8302	FRAUD	(202) 514-7023	FBI
§8903	FRAUD	(202) 514-7023	Transportation
§8905	FRAUD	(202) 514-7023	Transportation
§10314-16	FRAUD	(202) 514-7023	FBI
§§10505-10506	FRAUD	(202) 514-7023	FBI
§11501	FRAUD	(202) 514-7023	Transportation
§11504	FRAUD	(202) 514-7023	Transportation
§12122	FRAUD	(202) 514-7023	Transportation
§12309	FRAUD	(202) 514-7023	Transportation
§12309(a)	FRAUD	(202) 514-7023	Transportation

## 9-4.165 46 U.S.C.: Shipping

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§41	AFMLS	(202)514-1263	FBI
§§58-59	FRAUD	(202)514-7023	D.H.S. (Coast Guard)
§§142-143	FRAUD	(202)514-7023	D.H.S. (Customs)
§292	AFMLS	(202)514-1263	D.H.S. (Coast Guard)
§325	AFMLS	(202)514-1263	FBI
§676	FRAUD	(202)514-7023	D.H.S. (Coast Guard)
§738	FRAUD	(202)514-7023	D.H.S. (Coast Guard)
§§801-842	FRAUD	(202)514-7023	Federal Maritime Comm.
Except			
§808 (forfeiture only)	AFMLS	(202)514-1263	Transportation
§835 (forfeiture only)	AFMLS	(202)514-1263	Transportation
§883 (forfeiture only)	AFMLS	(202)514-1263	Transportation
§883-1 (forfeiture only)	AFMLS	(202)514-1263	Transportation
§883a (forfeiture only)	AFMLS	(202)514-1263	Transportation
§1225	CES*	(202)514-1263	FBI
§1295f(d)	FRAUD	(202)514-1187	Transportation (Maritime Admin.)
§§1901-1904	NDDS	(202)514-0917	D.H.S. (Coast Guard)

#### **9-4.166 47 U.S.C.: Telegraphs, Telephones, and Radiotelegraphs**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§13	FRAUD	(202)514-7023	F.C.C.
§§21-34	FRAUD	(202)514-7023	F.C.C.
§33	FRAUD	(202)514-7023	
§37	FRAUD	(202)514-7023	F.C.C.
§220(e)	FRAUD	(202)514-7023	F.C.C.
§223	CCIPS	(202) 514-6809	FBI
	CEOS* (minors only)	(202) 514-5780	FBI
§§301-416	FRAUD	(202)514-7023	F.C.C.
§§501-503	FRAUD	(202)514-7023	F.C.C.
§§507-508	FRAUD	(202)514-7023	F.C.C.
§510	AFMLS	(202) 514-1263	F.C.C.
§553	FRAUD	(202)514-7023	FBI
§559	OEO	(202) 514-6809	FBI
§605	CCIPS	(202) 514-1026	FBI
§606	CTS	(202) 514-0849	F.C.C.; Defense; G.S.A.

#### **9-4.168 49 U.S.C.: Transportation**

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§§527-528	FRAUD	(202) 514-7023	Transportation
§11109	FRAUD	(202) 514-7023	I.C.C.
§§11901-11904	FRAUD	(202) 514-7023	I.C.C.



STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
Except			
§11902a	FRAUD	(202) 514-7023	I.C.C.
(Labor dispute)	OCRS(L)	(202) 514-3666	I.C.C.
§§11906-11907	FRAUD	(202) 514-7023	I.C.C.
§§11909-11910	FRAUD	(202) 514-7023	I.C.C.
§§11912-11916	FRAUD	(202) 514-7023	I.C.C.
§46104	FRAUD	(202) 514-7023	F.A.A.; I.C.C.
§46314	CTS	(202) 514-0849	FBI
§46306(d)	AFMLS	(202) 514-1263	DEA; D.H.S. (Customs)
§§46501-46507	CTS	(202) 514-0849	FBI
§§60122-60123	FRAUD	(202) 514-0849	F.A.A.; I.C.C.
§60123(b)	CTS	(202) 514-0849	FBI
§80303	AFMLS	(202) 514-1263	DEA; Treasury

#### **9-4.169 49 U.S.C. Appendix: Transportation**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§1522-1523	CES	(202) 514-1187	F.A.A.
§2214	FRAUD	(202) 514-7023	FBI
§2216	FRAUD	(202) 514-7023	FBI
§80501	CTS	(202) 514-0849	FBI

**9-4.170 50 U.S.C.: War and National Defense**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§§21-24	CES**	(202) 514-1187	FBI
§167k	FRAUD	(202) 514-7023	Interior
§§191-192	CES**	(202) 514-1187	D.H.S. (Coast Guard)
§217	PIN	(202) 514-1412	FBI
§403(h)	NDDS	(202) 514-0917	DEA
§421	CES**	(202) 514-1187	FBI
§§422-426	CES	(202) 514-1187	FBI
§781	CES*	(202) 514-1187	FBI
§§782-798	CES	(202) 514-1187	FBI
§§841-844	CES**	(202) 514-1187	FBI
§§851-857	CES**	(202) 514-1187	FBI
§§1701-1706	CES**	(202) 514-1187	D.H.S. (Customs)
§1809	CCIPS	(202) 514-1026	None
§§2401-2404	CES**	(202) 514-1187	FBI

**9-4.171 50 U.S.C.: Appendix**

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
§3	FRAUD**	(202) 514-7023	Treasury
§5	OEO	(202) 514-6809	D.H.S. (Customs)
§5(b)	CES**	(202) 514-1187	Treasury
§12 (forfeiture only)	AFMLS	(202) 514-1263	Treasury

<b>STATUTE</b>	<b>CRIMINAL DIVISION SECTION</b>	<b>TELEPHONE #</b>	<b>AGENCY WITH INVESTIGATIVE JURISDICTION</b>
§16 (forfeiture only)	CES**	(202) 514-1187	Treasury
	AFMLS	(202) 514-1263	Treasury
§462	OEO*	(202) 514-6809	FBI
§473	OCRS	(202) 514-3595	DOJ (ATF)
§510	OEO	(202) 514-6809	Defense; FBI
§513	OEO	(202) 514-6809	Defense
§520	OEO	(202) 514-6809	Defense
§§530-532	OEO	(202) 514-6809	Defense
§§534-535	OEO	(202) 514-6809	Defense
§1941d(b)	PIN	(202) 514-1412	FBI
§1985	FRAUD	(202) 514-7023	None
§2009	FRAUD	(202) 514-7023	None
§2017m	FRAUD	(202) 514-7023	None
§2071	FRAUD	(202) 514-7023	Commerce
§2073	FRAUD	(202) 514-7023	Commerce
§2155(d)	FRAUD	(202) 514-7023	FBI
§2155(e)	PIN	(202) 514-1412	FBI
§2166	FRAUD	(202) 514-7023	None
§§2401-2420	CES**	(202) 514-1187	D.H.S. (Customs); Commerce
Except			
§2410(c)	CES	(202) 514-1187	FBI
§2410(g) (forfeiture only)	AFMLS	(202) 514-1263	FBI

## 9-4.172 Uncodified

STATUTE	CRIMINAL DIVISION SECTION	TELEPHONE #	AGENCY WITH INVESTIGATIVE JURISDICTION
76 Stat. 907	FRAUD	(202) 514-7023	FBI

## 9-4.173 Repealed/Reclassified

### 7 U.S.C.: Agriculture

§86; §87b(a)(8); §473; §516-517; §952; §2803-2804

### 8 U.S.C.: Aliens and Nationality

§1182(a)(28)

### 18 U.S.C.: Crimes and Criminal Procedure

§1514; §1714; §1718

### 26 U.S.C.: Internal Revenue Code

§7213; §7601

### 29 U.S.C.: Labor

§629

### 31 U.S.C.: Money and Finance

§3721

### 36 U.S.C.: Patriotic Societies and Observances

§379

### 39 U.S.C.: Postal Service

§212(a); §212(b)

### 46 U.S.C.: Shipping

§57; §277; §316; §319; §1171(b); §1223; §1224; §1226; §1276

### 49 U.S.C.: Transportation

§1159; §1484(d); §1679a; §1809

### 50 U.S.C.: War and National Defense; §2284

Uncodified: 5 Canal; 22 D.C.

## 9-4.200 Legislative Histories

Legislative Histories of statutes assigned to the Criminal Division are compiled and maintained by the Legislative History and Gambling Devices Unit, Office of Enforcement Operations. Research requests should be made to this office by calling (202) 514-1333. When requesting research of a specific legislative history, the United States Code cite must be provided. Considerable time will be saved by referring to the Public Law using the list found in the Criminal Resource Manual at 24. This list includes

the legislative history of each statute assigned to the Criminal Division since 1946 and many enacted prior thereto.

## ISSUES RELATED TO TRIALS AND OTHER COURT PROCEEDINGS

- 9-5.001      **Policy Regarding Disclosure of Exculpatory and Impeachment Information**
- 9-5.100      **Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses ("Giglio Policy")**
- 9-5.110      **Testimony of FBI Laboratory Examiners**
- 9-5.150      **Authorization to Close Judicial Proceedings to Members of the Press and Public**

### 9-5.001      **Policy Regarding Disclosure of Exculpatory and Impeachment Information**

- A.      **Purpose.** Consistent with applicable federal statutes, rules, and case law, the policy set forth here is intended to promote regularity in disclosure practices, through the reasoned and guided exercise of prosecutorial judgment and discretion by attorneys for the government, with respect to the government's obligation both to disclose exculpatory and impeachment information to criminal defendants and to seek a just result in every case. The policy is intended to ensure timely disclosure of an appropriate scope of exculpatory and impeachment information so as to ensure that trials are fair. The policy, however, recognizes that other interests, such as witness security and national security, are also critically important, *see* USAM § 9-21.000, and that if disclosure prior to trial might jeopardize these interests, disclosure may be delayed or restricted (e.g. pursuant to the Classified Information Procedures Act). This policy is not a substitute for researching the legal issues that may arise in an individual case. Additionally, this policy does not alter or supersede the policy that requires prosecutors to disclose "substantial evidence that directly negates the guilt of a subject of the investigation" to the grand jury before seeking an indictment, *see* USAM § 9-11.233.
- B.      **Constitutional obligation to ensure a fair trial and disclose material exculpatory and impeachment evidence.** Government disclosure of material exculpatory and impeachment evidence is part of the constitutional guarantee to a fair trial. *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154 (1972). The law requires the disclosure of exculpatory and impeachment evidence when such evidence is material to guilt or punishment. *Brady*, 373 U.S. at 87; *Giglio*, 405 U.S. at 154. Because they are Constitutional obligations, *Brady* and *Giglio* evidence must be disclosed regardless of whether the defendant makes a request for exculpatory or impeachment evidence. *Kyles v. Whitley*, 514 U.S. 419, 432-33 (1995). Neither the Constitution nor this policy, however, creates a general discovery right for trial preparation or plea negotiations. *U.S. v. Ruiz*, 536 U.S. 622, 629 (2002); *Weatherford v. Bursey*, 429 U.S. 545, 559 (1977).
  - 1.      **Materiality and Admissibility.** Exculpatory and impeachment evidence is material to a finding of guilt – and thus the Constitution requires disclosure – when there is a reasonable probability that effective use of the evidence will result in an acquittal. *United States v. Bagley*, 475 U.S. 667, 676 (1985). Recognizing that it is sometimes



difficult to assess the materiality of evidence before trial, prosecutors generally must take a broad view of materiality and err on the side of disclosing exculpatory and impeaching evidence. *Kyles*, 514 U.S. at 439. While ordinarily, evidence that would not be admissible at trial need not be disclosed, this policy encourages prosecutors to err on the side of disclosure if admissibility is a close question.

2. **The prosecution team.** It is the obligation of federal prosecutors, in preparing for trial, to seek all exculpatory and impeachment information from all the members of the prosecution team. Members of the prosecution team include federal, state, and local law enforcement officers and other government officials participating in the investigation and prosecution of the criminal case against the defendant. *Kyles*, 514 U.S. at 437.

C. **Disclosure of exculpatory and impeachment information beyond that which is constitutionally and legally required.** Department policy recognizes that a fair trial will often include examination of relevant exculpatory or impeachment information that is significantly probative of the issues before the court but that may not, on its own, result in an acquittal or, as is often colloquially expressed, make the difference between guilt and innocence. As a result, this policy requires disclosure by prosecutors of information beyond that which is "material" to guilt as articulated in *Kyles v. Whitley*, 514 U.S. 419 (1995), and *Strickler v. Greene*, 527 U.S. 263, 280-81 (1999). The policy recognizes, however, that a trial should not involve the consideration of information which is irrelevant or not significantly probative of the issues before the court and should not involve spurious issues or arguments which serve to divert the trial process from examining the genuine issues. Information that goes only to such matters does not advance the purpose of a trial and thus is not subject to disclosure.

1. **Additional exculpatory information that must be disclosed.** A prosecutor must disclose information that is inconsistent with any element of any crime charged against the defendant or that establishes a recognized affirmative defense, regardless of whether the prosecutor believes such information will make the difference between conviction and acquittal of the defendant for a charged crime.
2. **Additional impeachment information that must be disclosed.** A prosecutor must disclose information that either casts a substantial doubt upon the accuracy of any evidence – including but not limited to witness testimony – the prosecutor intends to rely on to prove an element of any crime charged, or might have a significant bearing on the admissibility of prosecution evidence. This information must be disclosed regardless of whether it is likely to make the difference between conviction and acquittal of the defendant for a charged crime.
3. **Information.** Unlike the requirements of *Brady* and its progeny, which focus on evidence, the disclosure requirement of this section applies to information regardless of whether the information subject to disclosure would itself constitute admissible evidence.
4. **Cumulative impact of items of information.** While items of information viewed in isolation may not reasonably be seen as meeting the standards outlined in paragraphs 1 and 2 above, several items together can have such an effect. If this is the case, all such items must be disclosed.

D. **Timing of disclosure.** Due process requires that disclosure of exculpatory and impeachment evidence material to guilt or innocence be made in sufficient time to permit the defendant to make effective use of that information at trial. See, e.g. *Weatherford v. Bursey*, 429 U.S. 545, 559 (1977); *United States v. Farley*, 2 F.3d 645, 654 (6th Cir. 1993). In most cases, the disclosures required by the Constitution and this policy will be made in advance of trial.

1. **Exculpatory information.** Exculpatory information must be disclosed reasonably promptly after it is discovered. This policy recognizes that exculpatory information that includes classified or otherwise sensitive national security material may require certain protective measures that may cause disclosure to be delayed or restricted (e.g. pursuant to the Classified Information Procedures Act).

2. **Impeachment information.** Impeachment information, which depends on the prosecutor's decision on who is or may be called as a government witness, will typically be disclosed at a reasonable time before trial to allow the trial to proceed efficiently. In some cases, however, a prosecutor may have to balance the goals of early disclosure against other significant interests – such as witness security and national security – and may conclude that it is not appropriate to provide early disclosure. In such cases, required disclosures may be made at a time and in a manner consistent with the policy embodied in the Jencks Act, 18 U.S.C. § 3500.
  3. **Exculpatory or impeachment information casting doubt upon sentencing factors.** Exculpatory and impeachment information that casts doubt upon proof of an aggravating factor at sentencing, but that does not relate to proof of guilt, must be disclosed no later than the court's initial presentence investigation.
  4. **Supervisory approval and notice to the defendant.** A prosecutor must obtain supervisory approval not to disclose impeachment information before trial or not to disclose exculpatory information reasonably promptly because of its classified nature. Upon such approval, notice must be provided to the defendant of the time and manner by which disclosure of the exculpatory or impeachment information will be made.
- E. **Comment.** This policy establishes guidelines for the exercise of judgment and discretion by attorneys for the government in determining what information to disclose to a criminal defendant pursuant to the government's disclosure obligation as set out in *Brady v. Maryland* and *Giglio v. United States* and its obligation to seek justice in every case. As the Supreme Court has explained, disclosure is required when evidence in the possession of the prosecutor or prosecution team is material to guilt, innocence or punishment. This policy encourages prosecutors to err on the side of disclosure in close questions of materiality and identifies standards that favor greater disclosure in advance of trial through the production of exculpatory information that is inconsistent with any element of any charged crime and impeachment information that casts a substantial doubt upon either the accuracy of any evidence the government intends to rely on to prove an element of any charged crime or that might have a significant bearing on the admissibility of prosecution evidence. Under this policy, the government's disclosure will exceed its constitutional obligations. This expanded disclosure policy, however, does not create a general right of discovery in criminal cases. Nor does it provide defendants with any additional rights or remedies. Where it is unclear whether evidence or information should be disclosed, prosecutors are encouraged to reveal such information to defendants or to the court for inspection *in camera* and, where applicable, seek a protective order from the Court. By doing so, prosecutors will ensure confidence in fair trials and verdicts. Prosecutors are also encouraged to undertake periodic training concerning the government's disclosure obligation and the emerging case law surrounding that obligation.

## **9-5.100 Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses ("Giglio Policy")**

On December 9, 1996, the Attorney General issued a Policy regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses ("Giglio Policy"). It applies to all Department of Justice Investigative agencies that are named in the Preface, below. On October 19, 2006, the Attorney General amended this policy to conform to the Department's new policy regarding disclosure of exculpatory and impeachment information, *see* USAM § 9-5.001.

The Secretary of the Treasury has issued the same policy for all Treasury investigative agencies.

### **Policy Regarding the Disclosure to Prosecutors of Potential Impeachment Information Concerning Law Enforcement Agency Witnesses ("Giglio Policy")**

**Preface:** The following policy is established for: the Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, the United States

Marshals Service, the Department of Justice Office of the Inspector General, and the Department of Justice Office of Professional Responsibility ("the investigative agencies"). It addresses their disclosure of potential impeachment information to the United States Attorneys' Offices and Department of Justice litigating sections with authority to prosecute criminal cases ("Department of Justice prosecuting offices"). The purposes of this policy are to ensure that prosecutors receive sufficient information to meet their obligations under *Giglio v. United States*, 405 U.S. 150 (1972), and to ensure that trials are fair, while protecting the legitimate privacy rights of Government employees. NOTE: This policy is not intended to create or confer any rights, privileges, or benefits to prospective or actual witnesses or defendants. It is also not intended to have the force of law. *United States v. Caceres*, 440 U.S. 741 (1979).

The exact parameters of potential impeachment information are not easily determined. Potential impeachment information, however, has been generally defined as impeaching information which is material to the defense. It also includes information that either casts a substantial doubt upon the accuracy of any evidence – including witness testimony – the prosecutor intends to rely on to prove an element of any crime charged, or might have a significant bearing on the admissibility of prosecution evidence. This information may include but is not strictly limited to: (a) specific instances of conduct of a witness for the purpose of attacking the witness' credibility or character for truthfulness; (b) evidence in the form of opinion or reputation as to a witness' character for truthfulness; (c) prior inconsistent statements; and (d) information that may be used to suggest that a witness is biased.

This policy is not intended to replace the obligation of individual agency employees to inform prosecuting attorneys with whom they work of potential impeachment information prior to providing a sworn statement or testimony in any investigation or case. In the majority of investigations and cases in which agency employees may be affiants or witnesses, it is expected that the prosecuting attorney will be able to obtain all potential impeachment information directly from agency witnesses during the normal course of investigations and/or preparation for hearings or trials.

#### **Procedures for Disclosing Potential Impeachment Information Relating to Department of Justice Employees**

1. **Obligation to Disclose Potential Impeachment Information.** It is expected that a prosecutor generally will be able to obtain all potential impeachment information directly from potential agency witnesses and/or affiants. Each investigative agency employee is obligated to inform prosecutors with whom they work of potential impeachment information as early as possible prior to providing a sworn statement or testimony in any criminal investigation or case. Each investigative agency should ensure that its employees fulfill this obligation. Nevertheless, in some cases, a prosecutor may also decide to request potential impeachment information from the investigative agency. This policy sets forth procedures for those cases in which a prosecutor decides to make such a request.
2. **Agency Officials.** Each of the investigative agencies shall designate an appropriate official(s) to serve as the point(s) of contact concerning Department of Justice employees' potential impeachment information ("the Agency Official"). Each Agency Official shall consult periodically with the relevant Requesting Officials about Supreme Court caselaw, circuit caselaw, and district court rulings and practice governing the definition and disclosure of impeachment information.
3. **Requesting Officials.** Each of the Department of Justice prosecuting offices shall designate an appropriate senior official(s) to serve as the point(s) of contact concerning potential impeachment information ("the Requesting Official"). Each Requesting Official shall inform the relevant Agency Officials about Supreme Court caselaw, circuit caselaw, and district court rulings and practice governing the definition and disclosure of impeachment information.
4. **Request to Agency Officials.** When a prosecutor determines that it is necessary to request potential impeachment information from an Agency Official(s) relating to an agency employee identified as a potential witness or affiant ("the employee") in a specific criminal case or investigation, the prosecutor shall notify the appropriate Requesting Official. Upon receiving such notification, the Requesting Official may request potential impeachment information relating to the employee from the employing Agency Official(s) and the designated Agency

Official(s) in the Department of Justice Office of the Inspector General ("OIG") and the Department of Justice Office of Professional Responsibility ("DOJ-OPR").

5. **Agency Review and Disclosure.** Upon receiving the request described in Paragraph 4, the Agency Official(s) from the employing agency, the OIG and DOJ-OPR shall each conduct a review, in accordance with its respective agency plan, for potential impeachment information regarding the identified employee. The employing Agency Official(s), the OIG and DOJ-OPR shall advise the Requesting Official of: (a) any finding of misconduct that reflects upon the truthfulness or possible bias of the employee, including a finding of lack of candor during an administrative inquiry; (b) any past or pending criminal charge brought against the employee; and (c) any credible allegation of misconduct that reflects upon the truthfulness or possible bias of the employee that is the subject of a pending investigation.
6. **Treatment of Allegations Which Are Unsubstantiated, Not Credible, or Have Resulted in Exoneration.** Allegations that cannot be substantiated, are not credible, or have resulted in the exoneration of an employee generally are not considered to be potential impeachment information. Upon request, such information which reflects upon the truthfulness or bias of the employee, to the extent maintained by the agency, will be provided to the prosecuting office under the following circumstances: (a) when the Requesting Official advises the Agency Official that it is required by a Court decision in the district where the investigation or case is being pursued; (b) when, on or after the effective date of this policy: (i) the allegation was made by a federal prosecutor, magistrate judge, or judge; or (ii) the allegation received publicity; (c) when the Requesting Official and the Agency Official agree that such disclosure is appropriate, based upon exceptional circumstances involving the nature of the case or the role of the agency witness; or (d) when disclosure is otherwise deemed appropriate by the agency. The agency is responsible for advising the prosecuting office, to the extent determined, whether any aforementioned allegation is unsubstantiated, not credible, or resulted in the employee's exoneration. NOTE: With regard to allegations disclosed to a prosecuting office under this paragraph, the head of the prosecuting office shall ensure that special care is taken to protect the confidentiality of such information and the privacy interests and reputations of agency employee-witnesses, in accordance with paragraph 13 below. At the conclusion of the case, if such information was not disclosed to the defense, the head of the prosecuting office shall ensure that all materials received from an investigative agency regarding the allegation, including any and all copies, are expeditiously returned to the investigative agency. This does not prohibit a prosecuting office from keeping motions, responses, legal memoranda, court orders, and internal office memoranda or correspondence, in the relevant criminal case file(s).
7. **Prosecuting Office Records.** Department of Justice prosecuting offices shall not retain in any system of records that can be accessed by the identity of an employee, potential impeachment information that was provided by an agency, except where the information was disclosed to defense counsel. This policy does not prohibit Department of Justice prosecuting offices from keeping motions and Court orders and supporting documents in the relevant criminal case file.
8. **Copies to Agencies.** When potential impeachment information received from Agency Officials has been disclosed to a Court or defense counsel, the information disclosed, along with any judicial rulings and related pleadings, shall be provided to the Agency Official that provided the information and to the employing Agency Official for retention in the employing agency's system of records. The agency shall maintain judicial rulings and related pleadings on information that was disclosed to the Court but not to the defense in a manner that allows expeditious access upon the request of the Requesting Official.
9. **Record Retention.** When potential impeachment information received from Agency Officials has been disclosed to defense counsel, the information disclosed, along with any judicial rulings and related pleadings, may be retained by the Requesting Official, together with any related correspondence or memoranda, in a system of records that can be accessed by the identity of the employee.
10. **Updating Records.** Before any federal prosecutor uses or relies upon information included in the prosecuting office's system of records, the Requesting Official shall contact the relevant

Agency Official(s) to determine the status of the potential impeachment information and shall add any additional information provided to the prosecuting office's system of records.

11. **Continuing Duty to Disclose.** Each agency plan shall include provisions which will assure that, once a request for potential impeachment information has been made, the prosecuting office will be made aware of any additional potential impeachment information that arises after such request and during the pendency of the specific criminal case or investigation in which the employee is a potential witness or affiant. A prosecuting office which has made a request for potential impeachment information shall promptly notify the relevant agency when the specific criminal case or investigation for which the request was made ends in a judgment or declination, at which time the agency's duty to disclose shall cease.
12. **Removal of Records Upon Transfer, Reassignment, or Retirement of Employee.** Upon being notified that an employee has retired, been transferred to an office in another judicial district, or been reassigned to a position in which the employee will neither be an affiant nor witness, and subsequent to the resolution of any litigation pending in the prosecuting office in which the employee could be an affiant or witness, the Requesting Official shall remove from the prosecuting office's system of records any record that can be accessed by the identity of the employee.
13. **Prosecuting Office Plans to Implement Policy.** Within 120 days of the effective date of this policy, each prosecuting office shall develop a plan to implement this policy. The plan shall include provisions that require: (a) communication by the prosecuting office with the agency about the disclosure of potential impeachment information to the Court or defense counsel, including allowing the agency to express its views on whether certain information should be disclosed to the Court or defense counsel; (b) preserving the security and confidentiality of potential impeachment information through proper storage and restricted access within a prosecuting office; (c) when appropriate, seeking an *ex parte*, *in camera* review and decision by the Court regarding whether potential impeachment information must be disclosed to defense counsel; (d) when appropriate, seeking protective orders to limit the use and further dissemination of potential impeachment information by defense counsel; and, (e) allowing the relevant agencies the timely opportunity to fully express their views.
14. **Investigative Agency Plans to Implement Policy.** Within 120 days of the effective date of this policy, each of the investigative agencies shall develop a plan to effectuate this policy.

#### **9-5.110 Testimony of FBI Laboratory Examiners**

In situations where FBI laboratory examinations have resulted in findings having no apparent probative value, yet defense counsel intends to subpoena the examiner to testify the United States Attorney should inform defense counsel of the FBI's policy requiring payment of the examiner's travel expenses by defense counsel. The United States Attorney should also attempt to secure a stipulation concerning this testimony. This will avoid needless expenditures of time and money attendant to the appearance of the examiner in court.

#### **9-5.150 Authorization to Close Judicial Proceedings to Members of the Press and Public**

Procedures and standards regarding the closure of judicial proceedings to members of the press and public are set forth in 28 C.F.R. § 50.9, *available at* <http://www.gpoaccess.gov/cfr/index.html>. Government attorneys may not move for or consent to any closure of criminal without the express prior authorization of the Deputy Attorney General.

There is a strong presumption against closing proceedings, and the Department foresees very few cases in which closure would be warranted. Only when a closed proceeding is plainly essential to the interests of justice should a Government attorney seek authorization from the Deputy Attorney General to move for or consent to closure of a judicial proceeding. Government attorneys should be mindful of the right

of the public to attend judicial proceedings and the of the Department's obligation to the fair administration of justice.

Any request for authorization to move for or consent to closure, in addition to setting forth the relevant and procedural background, should include a detailed explanation of the need for closure, addressing each of the factors set forth in 28 C.F.R. § 50.9(c)(1)-(6). In particular, the request should address in detail how an open proceeding will create a substantial likelihood of danger to specified individuals; how ongoing investigations will be jeopardized; or how a person's right to a fair trial will be impaired. The request must also consider reasonable alternatives to closure, such as delaying the proceeding, if possible, until the reasons justifying closure cease to exist.

Whenever authorization to close a judicial proceeding is being sought pursuant to 28 C.F.R. § 50.9 in a case or matter under the supervision of the Criminal Division, the request should be directed to the Policy and Statutory Enforcement Unit, Office of Enforcement Operations. In cases or matters under the supervision of other divisions of the Department of Justice, the appropriate division should be contacted.

Because of the vital public interest in open judicial proceedings, every 60 days after termination of any proceeding closed pursuant to 28 C.F.R. § 50.9, Government attorneys must review the records of the proceedings to determine whether the reasons for closure still apply. As soon as the justification for closure ceases to exist, the Government must file an appropriate motion to have the records unsealed. *See* 28 C.F.R. § 50.9(f). While the Criminal Division monitors compliance with this requirement, it is the affirmative obligation of the U.S. Attorney's Offices to ensure that sealed records are reviewed in accordance with the regulation's requirements. U.S. Attorney's Offices should acknowledge this obligation in any request for authorization to move for or consent to closure.





U.S. Department of Justice

Executive Office for United States Attorneys  
Office of the Director

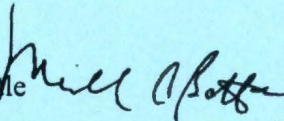
RFK Main Justice Building, Room 2616  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

(202) 514-2121

**MEMORANDUM - Sent via Electronic Mail**

DATE: OCT 20 2006

TO: ALL UNITED STATES ATTORNEYS  
ALL FIRST ASSISTANT UNITED STATES ATTORNEYS  
ALL CRIMINAL CHIEFS  
ALL CIVIL CHIEFS

FROM: Michael A. Battle   
Director

SUBJECT: Principles of Federal Prosecution

ACTION REQUIRED: None. Information Only.

CONTACT PERSONS: Jonathan Wroblewski  
Senior Counsel  
Criminal Division  
(202) 514-4730  
[Jonathan.Wroblewski@usdoj.gov](mailto:Jonathan.Wroblewski@usdoj.gov)

Please find attached a copy of a new section to the *United States Attorneys' Manual*, Chapter 9-5.001 and a revised section 9-5.100, concerning the disclosure of exculpatory and impeachment evidence to criminal defendants in preparation for trial. The revised policy was signed by the Deputy Attorney General on October 19, 2006.

Attachment

cc: All United States Attorneys' Secretaries





U.S. Department of Justice

Office of the Deputy Attorney General

The Deputy Attorney General

Washington, D.C. 20530

October 19, 2006

**MEMORANDUM**

TO: Holders of the United States Attorneys' Manual, Title 9

FROM: THE DEPUTY ATTORNEY GENERAL *PJM*

SUBJECT: Principles of Federal Prosecution

NOTE: 

1. This is issued pursuant to USAM 1-1.550.
2. Distribute to Holders of Title 9.
3. Insert in front of affected sections.

AFFECTS: 9-5.000

PURPOSE: The Department of Justice is proud of the long record of federal prosecutors meeting or exceeding their obligation, pursuant to *Brady v. Maryland* and *Giglio v. United States*, to disclose exculpatory and impeachment evidence to criminal defendants in preparation for trial. The purposes of this amendment to the U.S. Attorneys' Manual are to ensure that all federal prosecutors are fully aware of their constitutional obligation to disclose exculpatory and impeachment evidence, and to further develop the Department's guidance to federal prosecutors in relation to disclosure of information favorable to a defendant. The policy embodied in this bluesheet requires prosecutors to go beyond the minimum obligations required by the Constitution and establishes broader standards for the disclosure of exculpatory and impeachment information. It requires prosecutors to take the necessary steps to fulfill their constitutional disclosure obligation and further, to make disclosure in a manner and to an extent that promotes fair proceedings. At the same time, the policy recognizes the need to safeguard witnesses from harassment, assault, and intimidation and to make disclosure at a time and in a manner consistent with the needs of national security.



The policy embodied in this bluesheet is intended to be flexible yet produce regularity. As first stated in the preface to the original 1980 edition of the Principles of Federal Prosecution, "they have been cast in general terms with a view to providing guidance rather than to mandating results. The intent is to assure regularity without regimentation, to prevent unwarranted disparity without sacrificing flexibility." Through the use of circumscribed standards and principles outlined herein, federal prosecutors must exercise their judgment and discretion so as to build confidence in criminal trials and the criminal justice system, while protecting national security, keeping witnesses safe and allowing for efficient resolution of cases.

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The bluesheet creates a new section 9-5.001 and amends section 9-5.100 in your United States Attorneys' Manual.

Attachment



**[NEW SECTION] USAM § 9-5.001**

**POLICY REGARDING DISCLOSURE OF EXCULPATORY AND IMPEACHMENT INFORMATION**

- A. **Purpose.** Consistent with applicable federal statutes, rules, and case law, the policy set forth here is intended to promote regularity in disclosure practices, through the reasoned and guided exercise of prosecutorial judgment and discretion by attorneys for the government, with respect to the government's obligation both to disclose exculpatory and impeachment information to criminal defendants and to seek a just result in every case. The policy is intended to ensure timely disclosure of an appropriate scope of exculpatory and impeachment information so as to ensure that trials are fair. The policy, however, recognizes that other interests, such as witness security and national security, are also critically important, *see* USAM § 9-21.000, and that if disclosure prior to trial might jeopardize these interests, disclosure may be delayed or restricted (*e.g.* pursuant to the Classified Information Procedures Act). This policy is not a substitute for researching the legal issues that may arise in an individual case. Additionally, this policy does not alter or supersede the policy that requires prosecutors to disclose "substantial evidence that directly negates the guilt of a subject of the investigation" to the grand jury before seeking an indictment, *see* USAM § 9-11.233.
- B. **Constitutional obligation to ensure a fair trial and disclose material exculpatory and impeachment evidence.** Government disclosure of material exculpatory and impeachment evidence is part of the constitutional guarantee to a fair trial. *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *Giglio v. United States*, 405 U.S. 150, 154 (1972). The law requires the disclosure of exculpatory and impeachment evidence when such evidence is material to guilt or punishment. *Brady*, 373 U.S. at 87; *Giglio*, 405 U.S. at 154. Because they are Constitutional obligations, *Brady* and *Giglio* evidence must be disclosed regardless of whether the defendant makes a request for exculpatory or impeachment evidence. *Kyles v. Whitley*, 514 U.S. 419, 432-33 (1995). Neither the Constitution nor this policy, however, creates a general discovery right for trial preparation or plea negotiations. *U.S. v. Ruiz*, 536 U.S. 622, 629 (2002); *Weatherford v. Bursey*, 429 U.S. 545, 559 (1977).
1. **Materiality and Admissibility.** Exculpatory and impeachment evidence is material to a finding of guilt – and thus the Constitution requires disclosure – when there is a reasonable probability that effective use of the evidence will result in an acquittal. *United States v. Bagley*, 475 U.S. 667, 676 (1985). Recognizing that it is sometimes difficult to assess the materiality of evidence before trial, prosecutors generally must take a broad view of materiality and err on the side of disclosing exculpatory and impeaching evidence. *Kyles*, 514 U.S. at 439. While ordinarily, evidence that would not be admissible at trial need not be disclosed, this policy encourages prosecutors to err on the side of disclosure if admissibility is a close question.



2. **The prosecution team.** It is the obligation of federal prosecutors, in preparing for trial, to seek all exculpatory and impeachment information from all the members of the prosecution team. Members of the prosecution team include federal, state, and local law enforcement officers and other government officials participating in the investigation and prosecution of the criminal case against the defendant. *Kyles*, 514 U.S. at 437.

C. **Disclosure of exculpatory and impeachment information beyond that which is constitutionally and legally required.** Department policy recognizes that a fair trial will often include examination of relevant exculpatory or impeachment information that is significantly probative of the issues before the court but that may not, on its own, result in an acquittal or, as is often colloquially expressed, make the difference between guilt and innocence. As a result, this policy requires disclosure by prosecutors of information beyond that which is "material" to guilt as articulated in *Kyles v. Whitley*, 514 U.S. 419 (1995), and *Strickler v. Greene*, 527 U.S. 263, 280-81 (1999). The policy recognizes, however, that a trial should not involve the consideration of information which is irrelevant or not significantly probative of the issues before the court and should not involve spurious issues or arguments which serve to divert the trial process from examining the genuine issues. Information that goes only to such matters does not advance the purpose of a trial and thus is not subject to disclosure.

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3. **Information.** Unlike the requirements of *Brady* and its progeny, which focus on evidence, the disclosure requirement of this section applies to information regardless of whether the information subject to disclosure would itself constitute admissible evidence.
4. **Cumulative impact of items of information.** While items of information viewed in isolation may not reasonably be seen as meeting the standards outlined in paragraphs 1 and 2 above, several items together can have such an effect. If this is the case, all such items must be disclosed.



- D. **Timing of disclosure.** Due process requires that disclosure of exculpatory and impeachment evidence material to guilt or innocence be made in sufficient time to permit the defendant to make effective use of that information at trial. *See, e.g. Weatherford v. Bursey*, 429 U.S. 545, 559 (1997); *United States v. Farley*, 2 F.3d 645, 654 (6<sup>th</sup> Cir. 1993). In most cases, the disclosures required by the Constitution and this policy will be made in advance of trial.
1. **Exculpatory information.** Exculpatory information must be disclosed reasonably promptly after it is discovered. This policy recognizes that exculpatory information that includes classified or otherwise sensitive national security material may require certain protective measures that may cause disclosure to be delayed or restricted (*e.g.* pursuant to the Classified Information Procedures Act).
  2. **Impeachment information.** Impeachment information, which depends on the prosecutor's decision on who is or may be called as a government witness, will typically be disclosed at a reasonable time before trial to allow the trial to proceed efficiently. In some cases, however, a prosecutor may have to balance the goals of early disclosure against other significant interests – such as witness security and national security – and may conclude that it is not appropriate to provide early disclosure. In such cases, required disclosures may be made at a time and in a manner consistent with the policy embodied in the Jencks Act, 18 U.S.C. § 3500.
  3. **Exculpatory or impeachment information casting doubt upon sentencing factors.** Exculpatory and impeachment information that casts doubt upon proof of an aggravating factor at sentencing, but that does not relate to proof of guilt, must be disclosed no later than the court's initial presentence investigation.
  4. **Supervisory approval and notice to the defendant.** A prosecutor must obtain supervisory approval not to disclose impeachment information before trial or not to disclose exculpatory information reasonably promptly because of its classified nature. Upon such approval, notice must be provided to the defendant of the time and manner by which disclosure of the exculpatory or impeachment information will be made.
- E. **Comment.** This policy establishes guidelines for the exercise of judgment and discretion by attorneys for the government in determining what information to disclose to a criminal defendant pursuant to the government's disclosure obligation as set out in *Brady v. Maryland* and *Giglio v. United States* and its obligation to seek justice in every case. As the Supreme Court has explained, disclosure is required when evidence in the possession of the prosecutor or prosecution team is material to guilt, innocence or punishment. This policy encourages prosecutors to err on the side of disclosure in close questions of materiality and identifies standards that favor greater disclosure in advance of trial through the production of exculpatory information that is inconsistent with any element of any charged crime and impeachment information that casts a substantial doubt upon either the accuracy of any evidence the government intends to rely on to prove an element