

CHARTER
INTERNATIONAL ORGANIZED CRIME
INTELLIGENCE AND OPERATIONS CENTER

May 26, 2009

**INTERNATIONAL ORGANIZED CRIME
INTELLIGENCE AND OPERATIONS CENTER**

CHARTER

This Charter, dated May 26, 2009, governs the cooperation among participating agencies in the establishment and administration of the International Organized Crime Intelligence and Operations Center.

I. STATEMENT OF INTENT

Mutually bound by professional responsibility and a desire to share information about the activities of significant international criminal organizations, recognizing the intersection of interests in combating international organized crime, and wishing to build upon the progress that has been achieved through the development of the OCDEF Fusion Center and its integrated relationship with the Special Operations Division, the parties hereby agree to create and support the development and operation of a multi-agency International Organized Crime Intelligence and Operations Center, hereinafter referred to as IOC-2, and to actively work to implement the letter and spirit of this Charter.

II. DEFINITION OF INTERNATIONAL ORGANIZED CRIME

“International organized crime” refers to those self-perpetuating associations of individuals who operate internationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption and/or violence, or while protecting their illegal activities through an international organizational structure and the exploitation of international commerce or communication mechanisms. There is no single structure under which international organized criminals operate; they vary from hierarchies to clans, networks, and cells, and may evolve to other structures. The crimes they commit also vary. International organized criminals act conspiratorially in their criminal activities and possess certain characteristics which may include, but are not limited to:

- A.** In at least part of their activities they commit violence or other acts which are likely to intimidate, or make actual or implicit threats to do so;
- B.** They exploit differences between countries to further their objectives, enriching their organization, expanding its power, and/or avoiding detection/apprehension;
- C.** They attempt to gain influence in government, politics, and commerce through corrupt as well as legitimate means;
- D.** They have economic gain as their primary goal, not only from patently illegal activities but also from investment in legitimate business; and
- E.** They attempt to insulate both their leadership and membership from detection, sanction, and/or prosecution through their organizational structure.

While this definition may be read broadly to include international drug trafficking organizations and international street gangs engaged in criminal activity, those groups are not the primary focus of the IOC-2 mission. IOC-2 will place its highest priority on those international criminal organizations that threaten the national security of the United States, the stability of the U.S. economy, and/or the integrity of government institutions, infrastructure, or systems in the United States.

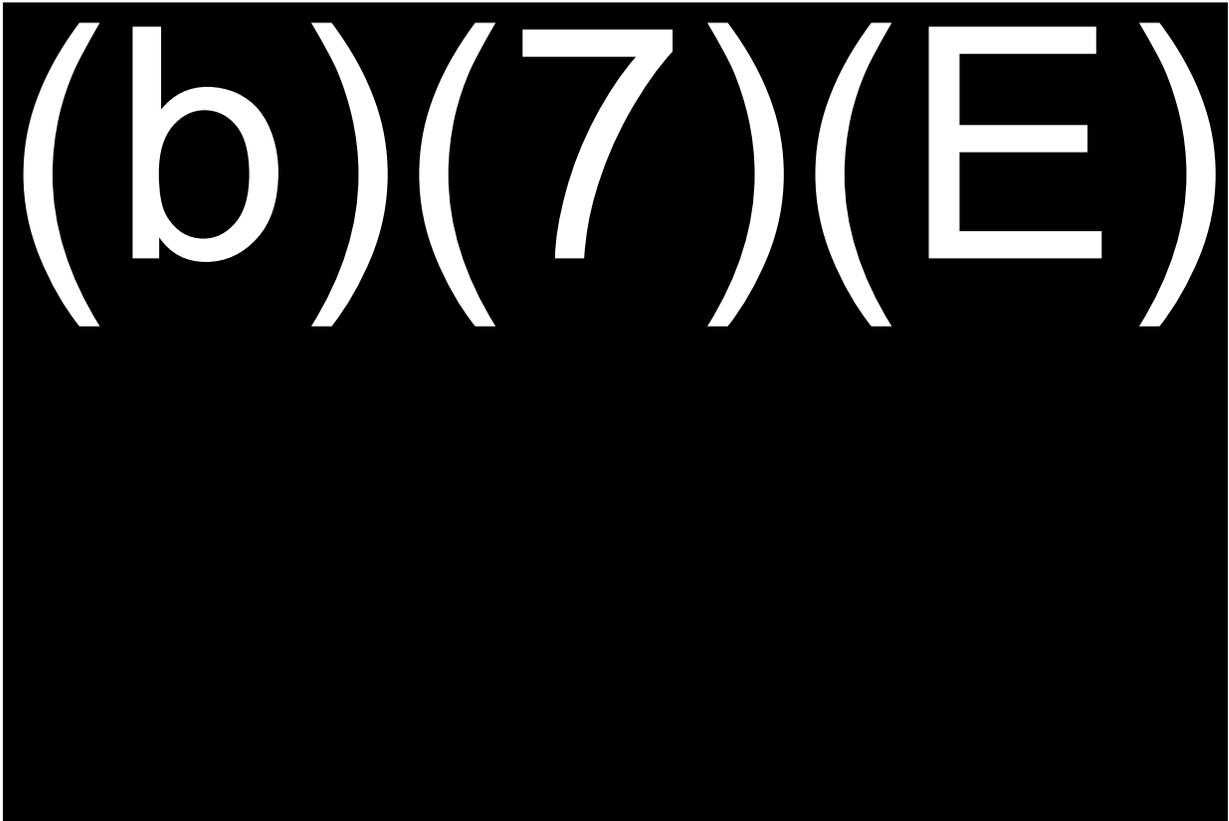
III. BACKGROUND

The members of the Attorney General’s Organized Crime Council (“AGOCC”)¹ and the components and agencies which they represent, collectively referred to as “the parties,” recognize that international organized crime has expanded considerably in presence, sophistication, and significance, and threatens many aspects of how Americans live, work, and do business. International organized crime is increasingly gaining influence and control in legitimate business sectors of strategic importance to the United States, providing logistical support to terrorist organizations and hostile governments, and serving as a corrupting and destabilizing influence worldwide. International organized crime undermines the integrity of our banking and financial systems, commodities and securities markets, and our cyberspace. It jeopardizes our border security, subverts the rule of law, causes human misery, and promotes violence. The parties also acknowledge, based on many years of experience, the difficulties involved in investigating and prosecuting such criminal organizations whose activities transcend national borders. To counter these threats and to overcome these difficulties, the parties have agreed to join together under the aegis of the AGOCC to establish IOC-2, through which the parties will share some of their most sensitive data with one another and use such data in a fused, coordinated effort to disrupt and dismantle international criminal organizations.

The AGOCC is chaired by the Deputy Attorney General and has as members the heads of every relevant federal law enforcement agency and presidentially appointed prosecutors. It is an outgrowth of an Executive Order, issued by President Lyndon B. Johnson in 1968, placing the Attorney General in charge of coordinating all federal law enforcement activity against organized crime. The traditional role of the AGOCC has been to promote interagency coordination, evaluate the threat presented by organized crime, and advise the Attorney General on national priorities and a national organized crime strategy. In 2008, the AGOCC began to consider the threat from international organized crime, rather than the Italian-American mafia, to be the primary organized crime threat facing the United States. In response, the AGOCC has begun the work of developing a new 21st Century organized crime program that will be nimble and sophisticated enough to combat the threat posed by international organized criminals for years to come.

¹ The AGOCC is comprised of the Deputy Attorney General (Chair), the Assistant Attorney General, Criminal Division; the Chair of the Attorney General’s Advisory Committee; and the heads of the following nine participating law enforcement agencies: Federal Bureau of Investigation; Drug Enforcement Administration; Bureau of Alcohol, Tobacco, Firearms and Explosives; United States Immigration and Customs Enforcement; United States Secret Service; Internal Revenue Service, Criminal Investigation; United States Postal Inspection Service; United States Department of State, Bureau of Diplomatic Security; and United States Department of Labor, Office of the Inspector General.

In the *United States Law Enforcement Strategy to Combat International Organized Crime* (April 2008) (“IOC Strategy”), the AGOCC identifies the critical need to marshal the best available information and intelligence to strengthen federal law enforcement’s ability to combat international organized crime (IOC). The capacity to collect, synthesize, and timely disseminate IOC information and intelligence from multiple sources will enable federal law enforcement to prioritize and target the IOC figures and organizations that pose the greatest threat to the United States, take appropriate enforcement actions, and to effectively coordinate investigations and prosecutions involving these threats across jurisdictions. To achieve this goal, the IOC Strategy calls for the AGOCC to consider establishing a dedicated center devoted to international organized crime targeting, intelligence, and operations.



The OFC serves as a central data warehouse for drug and related financial intelligence.² The center is staffed with agents and analysts detailed from ten participating investigative agencies.³ These personnel conduct analyses of information and intelligence to produce investigative leads, develop target profiles, and identify links between drug organizations

² The summary of OFC’s mission, structure, and responsibilities, as set forth in AAG/A Order No. 013-2004, as published in the *Federal Register*, Vol. 69, No. 200, October 18, 2004, is incorporated by reference herein.



and other criminal activity in support of drug investigations. The center is equipped with a state of the art information technology infrastructure that includes a multi-agency database called "COMPASS," which is unique to OFC and contains (b)(7)(E) [REDACTED] documents drawn from participating agency data sources.

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IV. MISSION

The mission of IOC-2 is to significantly disrupt and dismantle those international criminal organizations posing the greatest threat to the United States, including but not

limited to those criminal organizations named to the Top International Criminal Organizations Target (TICOT) List.⁵ To achieve this mission, IOC-2 will leverage the resources of SOD and OFC to:

- (1) gather, store, and analyze all-source information and intelligence related to international organized crime;
- (2) disseminate such information and intelligence to support law enforcement operations, investigations, prosecutions, and forfeiture proceedings; and
- (3) coordinate multi-jurisdictional and multi-agency law enforcement operations, investigations, prosecutions, and forfeiture proceedings.

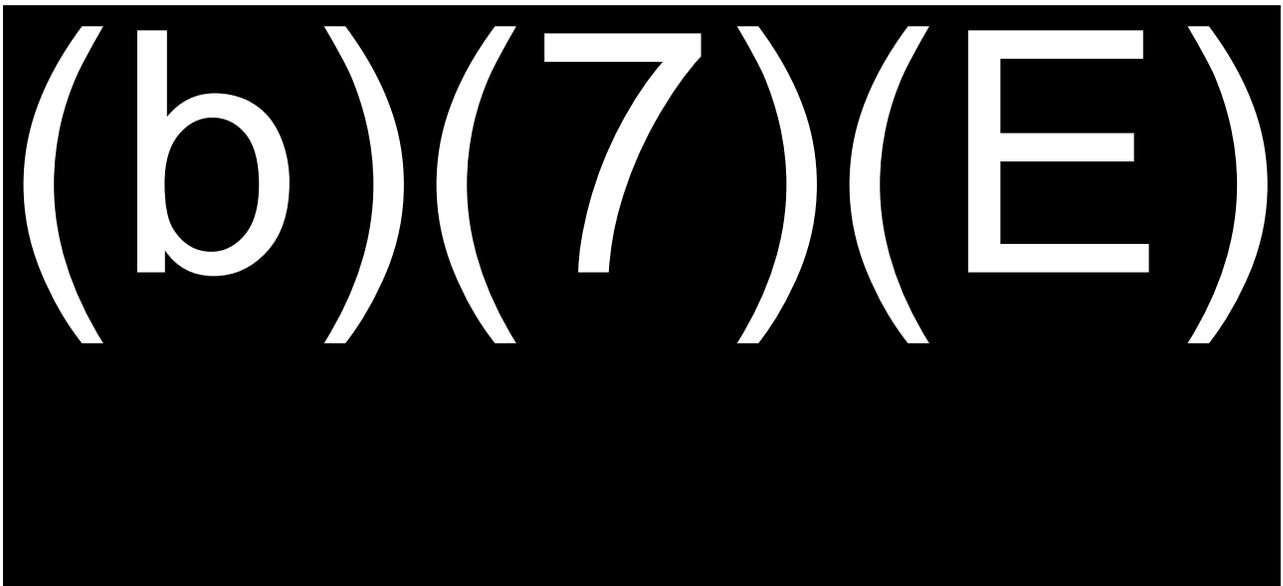
IOC-2 will represent the interest of the United States in maximizing the disruption and dismantlement of targeted international criminal organizations, and will work to ensure that all involved parties cooperatively serve this common interest.

A. Goals

Provide a mechanism to fuse and analyze available communications-related intelligence and evidence to maximize benefits from such data, consistent with the policies, guidelines, regulations, practices and procedures of the parties and SOD⁶, as well as any regulations or guidelines adopted by IOC-2.

Provide a mechanism to fuse, analyze, and share all relevant and accessible data of the parties consistent with the policies, guidelines, regulations, practices and procedures of the parties, SOD and OFC, as well as any regulations or guidelines adopted by IOC-2.

Develop a mechanism to incorporate and share untapped sources of IOC data, where possible, such as the data contained in other fusion centers of topical relevance.



Disseminate information and intelligence to maximize efficiency and effectiveness in focusing investigative resources against international criminal organizations, particularly those named to the TICOT List.

Disseminate information and intelligence to assist in the initiation, development, de-confliction, and enhancement of multi-agency and multi-jurisdictional investigations and prosecutions targeting international criminal organizations, particularly those named to the TICOT List.

Disseminate information and intelligence to assist in maximizing criminal and civil forfeiture of international criminal organization assets, particularly the assets of those named to the TICOT List, in an effort to deprive such organizations and their members of illegally obtained proceeds, ensure that there are no safe havens for criminal proceeds, and provide restitution to victims as required by law and policy.

Disseminate information and intelligence to enhance the identification of links between disparate components of international criminal organizations, and to enhance the identification of links between these organizations and international and domestic terrorists and terrorist organizations.

Ensure that information is collected, retained, and disseminated only in accordance with statutory, regulatory, and policy provisions governing protection of privacy and civil liberties, operational security, information sharing, and protection of classified or sensitive information.

Protect the best interests of the United States by taking appropriate steps, consistent with the policies, guidelines, regulations, practices and procedures of SOD and OFC, as well as any regulations or guidelines adopted by IOC-2, to maximize the effectiveness of multi-jurisdictional law enforcement operations, investigations, prosecutions, and forfeiture proceedings.

Emphasize and coordinate (across jurisdictions and agencies) the use of forfeiture related to international organized criminal activity, including the increased use of civil forfeiture, international forfeiture and correspondent account forfeiture pursuant to Section 981(k) as to international criminal organizations, particularly those named to the TICOT List.

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V. FUNCTIONS

IOC-2 will operate under the general principles, guidelines, practices and procedures of SOD and OFC. IOC-2 components at OFC and SOD will follow OFC's and SOD's established information collection and sharing mechanisms, protocols, and protections. IOC-2 will also seek to follow other OFC and SOD business practices and policies wherever practicable.

IOC-2 will have the following primary functions:

- A communications analysis function that will guide investigative agencies to focus their resources in the most effective and efficient manner;
- An all-source data analysis function to produce intelligence products of operational value to the field in investigating, prosecuting, and instituting forfeiture proceedings against international criminal organizations;
- A coordination function to support the de-confliction and enhance coordination of investigations, prosecutions, and forfeiture proceedings through case coordination meetings and communications, the monitoring of relevant investigations, prosecutions, and forfeiture proceedings, and the creation and dissemination of IOC-2 intelligence products.

IOC-2 will fulfill these functions by doing the following:

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VIII. STAFFING

Staffing of IOC-2 will be multi-agency. All Member agencies, with the concurrence of the AGOCC, shall assign personnel to IOC-2, in accordance with the needs of IOC-2, the resources of the agency, and any applicable statutes or policies. Staffing will consist of highly skilled, trained, and motivated Special Agents, Intelligence Analysts, Attorneys and other personnel committed to accomplishing the IOC-2 mission.

To the extent possible, personnel will be assigned to specific functions commensurate with their experience and capabilities; however, some assignments of personnel outside their area of expertise may be required. To ensure that the needs of IOC-2 and the individual are met, all assignments will be made with the concurrence of the parent agency.

To accomplish the goals and needs of IOC-2, Member agencies agree to assign personnel to IOC-2 for a specified length of time, as agreed upon in writing. During this period of assignment, the assigned personnel will be under the direct supervision and control of the IOC-2 Management and supervisory personnel assigned to IOC-2.

Personnel assigned to IOC-2 shall adhere to IOC-2 policies and procedures, as well as relevant SOD and/or OFC policies and procedures. Failure to adhere to the relevant policies and procedures may be grounds for dismissal from IOC-2. Personnel assigned to

IOC-2 also shall remain subject to the policies, procedures, and regulations of their parent agency. The Director or designee, as well as the relevant official from SOD and/or the OFC, and the appropriate official(s) of the parent agency shall resolve any conflict between IOC-2/SOD/OFC policies and procedures and those of the parent agency. Conflicts that cannot be resolved at this level will be referred to the AGOCC for resolution.

Subject to the availability of appropriated funds, IOC-2 will provide necessary funds and equipment to support the activities of IOC-2 and the personnel assigned to IOC-2. This support will include: salary and benefits on a reimbursable basis for personnel assigned to IOC-2; office space; computer and telecommunications equipment; furniture and supplies; graphics and printing costs for IOC publications; funds for travel in support of the IOC-2 mission; analytical and technical tools; and training and support items. All decisions relative to the IOC-2 budget and facilities will be the responsibility of the Director, in consultation with the AGOCC, and, as appropriate, with the OCDETF Director and the Special Agent in Charge (SAC) of SOD.

During the period of assignment to IOC-2, the parent agency will remain responsible for determining the appropriate salary and benefits, including any appropriate adjustments to the same, of the detailed personnel, and all payments due to them in this regard, including overtime, and will remain responsible for any non IOC-2-related expenses incurred by those employees. Permanent change of station costs will not be the responsibility of IOC-2. Each Member agency with personnel assigned on-site to IOC-2 will designate an agency representative to address personnel issues specific to that agency, with notification to and in consultation with the Director, as appropriate.

IX. POLICIES/PROTOCOLS

As stated above, the established policies and protocols in place at SOD and the OFC shall apply to IOC-2. To the extent necessary, the IOC-2 Director shall establish additional policies and protocols to address the daily operations of IOC-2. These policies and protocols shall include the following:

IOC-2 will ensure that each agency's data is handled and protected in accordance with the policies and procedures of the participating agencies to be defined in a Memorandum of Understanding with each agency. IOC-2 shall abide by currently existing SOD and OFC guidelines, and will adopt additional guidelines as needed, to ensure the protection of each agency's data. IOC-2 will be diligent in assuring that the information provided by the parties will be properly protected and secure. As necessary and consistent with the OFC and/or SOD models, IOC-2 will work with OFC and/or SOD to develop and implement guidelines and procedures that protect sources and methods of the contributing parties. IOC-2 will operate under the "third-party rule," in accordance with the procedures of the OFC, protecting any information provided to IOC-2 by the same means and methods used by the providing agency.

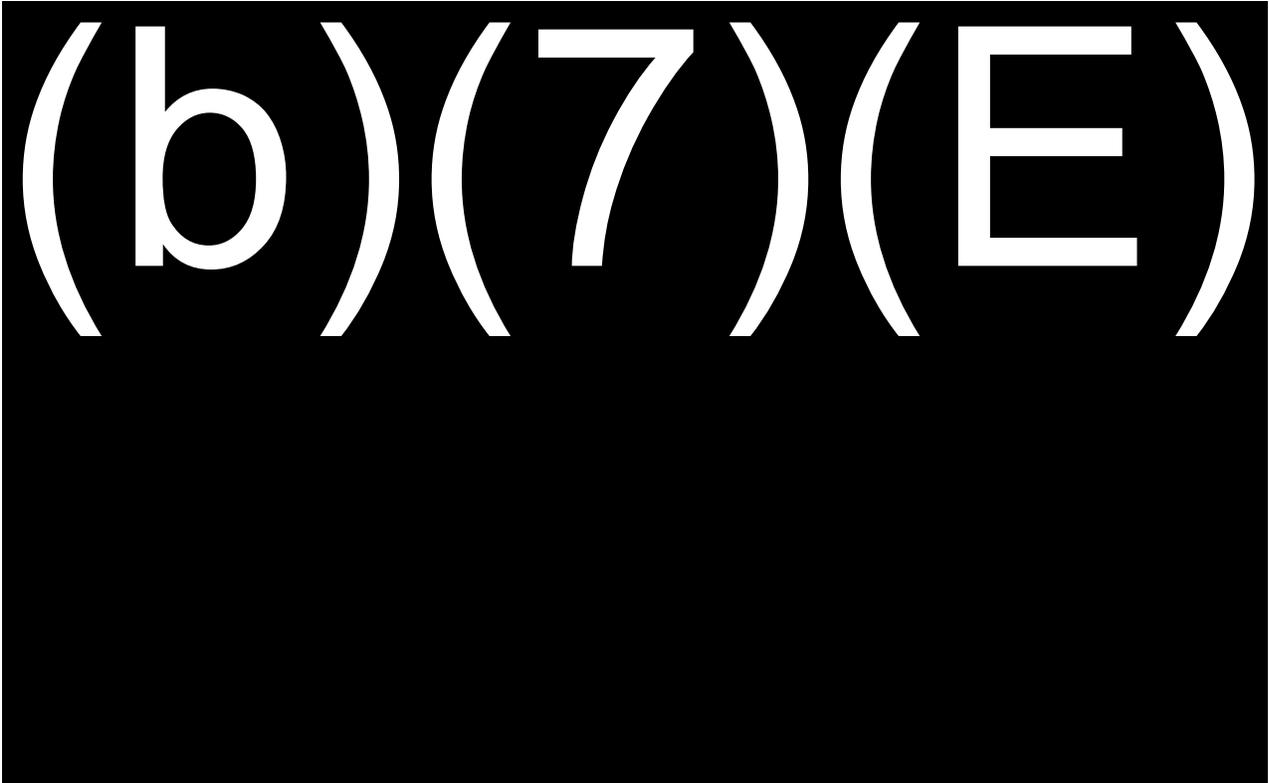
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The parties agree to review and make appropriate changes, if any, to their privacy compliance documents, including applicable Privacy Act system of records notices and notices required by the Privacy Act (5 U.S.C. 552a(e)(3)), in advance of the implementation of this charter to ensure that the scope and routine uses of such notices permit the collection, maintenance, and sharing of personal information as set forth in this charter.

The parties acknowledge that the information involved in this charter may identify U.S. persons, whose information is protected by the Privacy Act of 1974 and/or Executive Order 12333 (or any successor executive order). All such information will be handled lawfully pursuant to the provisions thereof.

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IOC-2 will establish and maintain strong relationships with other appropriate law enforcement and intelligence components, including those of foreign governments, as necessary to achieve effective coordination and cooperation.



The coordination efforts of IOC-2 shall be monitored by the AGOCC. Agencies may raise concerns regarding coordination policies and procedures directly with the Counsel or the Director. The Director shall, as appropriate, submit reports or recommend changes to the AGOCC. Any conflict or differences among participating agencies, however, shall be resolved as promptly as possible at the lowest practical level.

The parties agree that IOC-2's coordination role shall extend to statements to the media, public announcements, the issuance of press releases, and press conferences. The parties agree that they shall not make any statements to the media, make any public announcements, issue any press releases, or hold any press conferences relating to an IOC-2 coordinated operation, investigation, or prosecution without first consulting and coordinating with the IOC-2 Counsel.⁸ The IOC-2 Counsel shall, in turn, coordinate with each party that had any involvement in the IOC-2 coordinated matter to ensure that all equities are being served, that the information to be released is accurate and may

⁸ "An IOC-2 coordinated operation, investigation, or prosecution" does not refer to every matter that is identified in an IOC-2 product, or every matter that is related to the mission of the IOC-2, but instead is intended to apply to those operations, investigations and/or prosecutions in which two or more Members, with the assistance of the IOC-2, have made significant efforts to coordinate their activities to achieve a common end. It is incumbent upon the Members, in coordination with each other and IOC-2 Counsel, to determine when press matters should be coordinated by IOC-2.

otherwise be properly disclosed, that each such release comports with the legal restrictions, including applicable bar rules, of all involved judicial districts, and that each such release is in the best interests of the United States.

X. AMENDMENTS

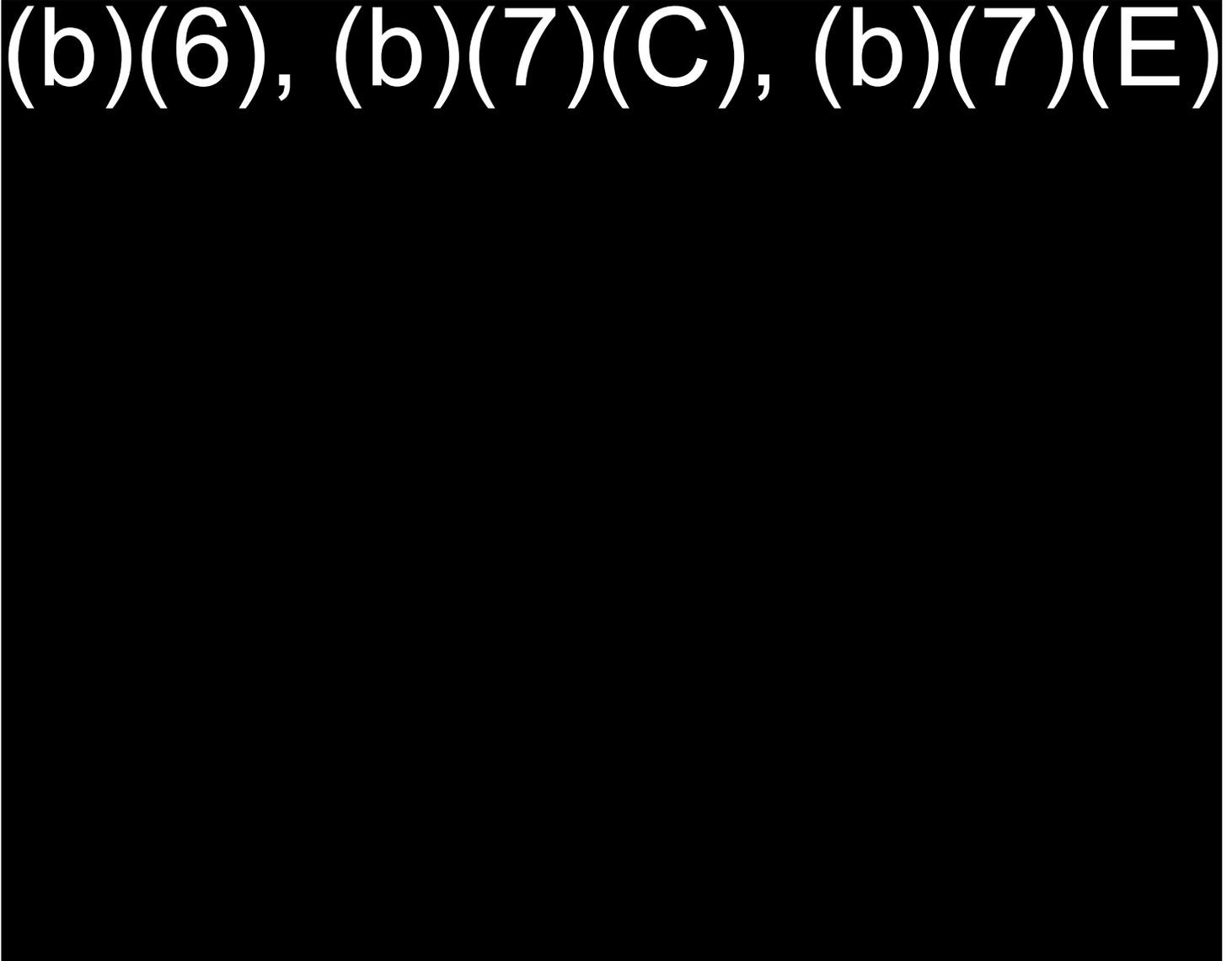
This Charter may be amended after majority vote of the AGOCC. All proposed amendments must be presented in writing to the Director and all AGOCC members at least 14 business days prior to the AGOCC meeting.

All approved amendments to this Charter shall be provided in writing to each Member.

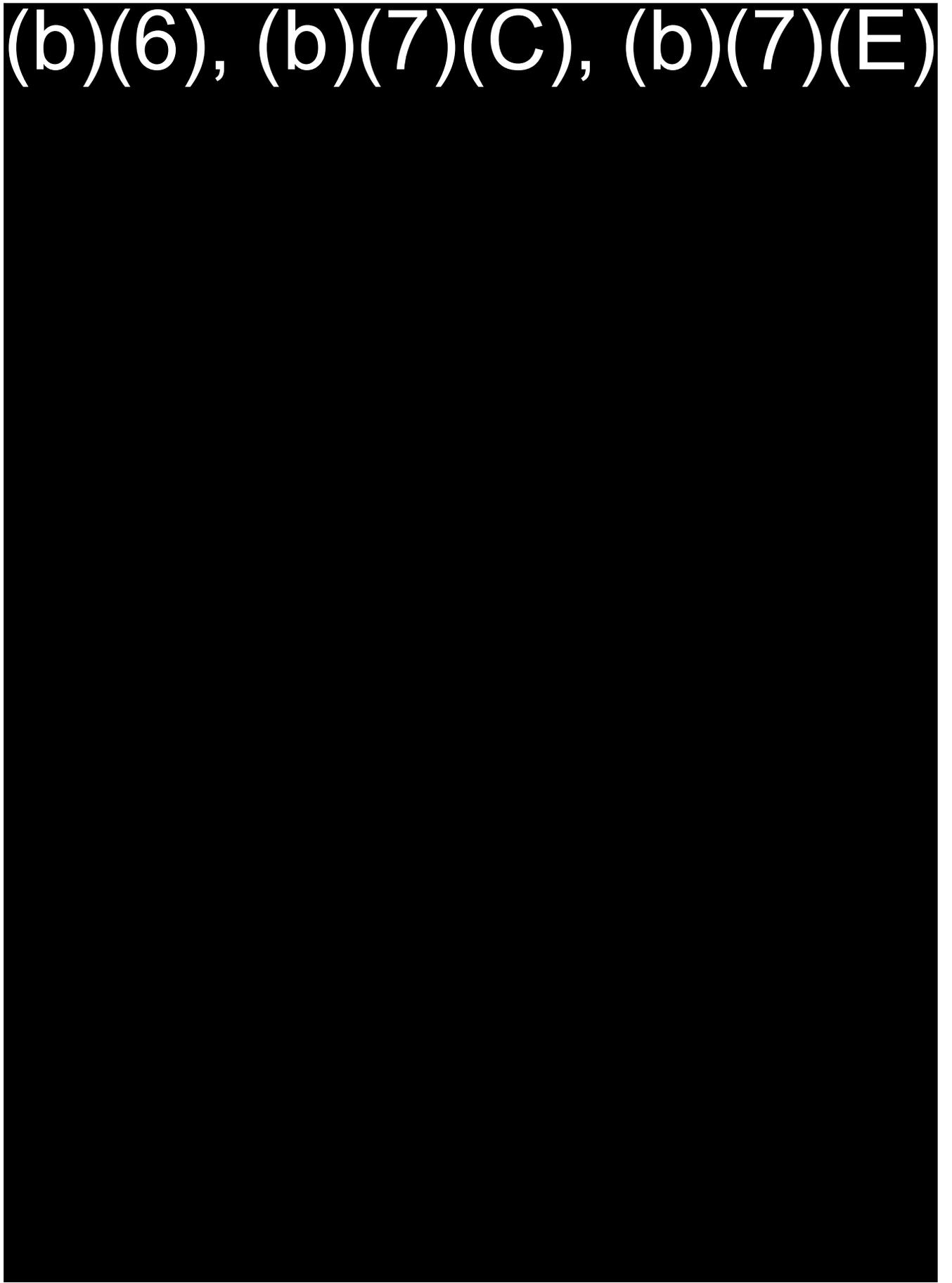
XI. EFFECTIVE DATE

The effective date of this Charter shall be May 26, 2009. By signature, each Member accepts the mission, goals, functions, policies and protocols, as described in this Charter.

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AMENDMENTS to CHARTER

**INTERNATIONAL ORGANIZED CRIME
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April 2016

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CHARTER

The following amendments to the Charter govern the position of the Director of the International Organized Crime Intelligence and Operations Center (IOC-2) and the cooperation among participating agencies in the administration and management of the IOC-2.

To the extent practicable, all other provisions of the IOC-2 Charter remain in effect.

IV. MANAGEMENT PRINCIPLES

A. The Director of the IOC-2

The Director of the IOC-2 (IOC-2 Director) shall be named by the Director of the AGOCC.¹ The IOC-2 Director will be responsible for all decisions relating to the daily operations of the IOC-2. The IOC-2 Director will be a GS-15 level equivalent or above special agent, inspector, or prosecutor with at least seven years' experience with his or her agency. The IOC-2 Director will report directly to the Director of the AGOCC. The IOC-2 Director, like all IOC-2 personnel, including the Management, will remain subject to the supervision, policies, procedures and regulations of their parent agencies.

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VII. STAFFING

All decisions relative to the IOC-2 budget and facilities will be the responsibility of the IOC-2 Director, in consultation with the AGOCC Director and the AGOCC, and, as appropriate, with the OCDETF Director and the Special Agent in Charge (SAC) of SOD.

IX. POLICIES/PROTOCOLS

The coordination efforts of IOC-2 shall be monitored by the AGOCC. Agencies may raise concerns regarding coordination policies and procedures directly with the Counsel or the IOC-2 Director. The IOC-2 Director shall, as appropriate, submit reports or recommend changes to the AGOCC Director. Any conflict or differences among participating agencies, however, shall be resolved as promptly as possible at the lowest practical level.