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FEDERAL BUREAU OF INVESTIGATION  
**POLICY NOTICE**

**0907N**

<b>1. Policy Directive Title.</b>	Undercover Activities and Operations – Posing as a Member of the News Media or a Documentary Film Crew
<b>2. Publication Date.</b>	2016-06-08
<b>3. Effective Date.</b>	2016-06-08
<b>4. Review Date.</b>	2018-06-05
<b>5. Date of Last Renewal.</b>	10/6/2017

**6. Authorities:**

- 6.1. *The Attorney General's Guidelines for Domestic FBI Operations (AGG-Dom)*  
 6.2. *The Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations (AGG-UCO)*

**7. Purpose:**

The purpose of this policy notice (PN) is to set forth interim policy in support of the [redacted] regarding approval levels for sensitive circumstances specifically in situations in which employees represent, pose, or claim to be members of the news media or a documentary film crew. This PN complies with and implements guidance and requirements contained in the AGG-Dom and the AGG-UCO; the Federal Bureau of Investigation's (FBI) Domestic Investigations and Operations Guide (DIOG); the Undercover and Sensitive Operations Policy Guide, 0432PG; and the National Security Undercover Operations Policy Guide, 0307PG.

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**8. Policy Statement:**

## 8.1. Approval of Undercover Activity

## 8.1.1. Definition of Undercover Activity

8.1.1.1. As defined in DIOG subsection 18.6.13.3.A, an undercover activity is any investigative activity involving the use of an assumed identity by an undercover employee (UCE) for an official purpose or function.

## 8.1.2. Undercover Activity Involving Sensitive Circumstances [AGG-UCO Section IV.C(2)]

8.1.2.1. Undercover activity that is reasonably expected to involve the sensitive circumstances set forth in AGG-UCO Section IV.C(2) but does not consist of more than five separate substantive contacts must be approved in advance by the Criminal Investigative Division (CID) deputy assistant director (DAD) with oversight responsibilities for the Undercover Review Committee (UCRC). (See subsection 8.1.2.1.1. below for legal review requirements.) However, if the undercover activity is reasonably expected to involve the sensitive circumstances identified in AGG-UCO Section IV.C(2)(l) ["Participation in the activities of a group under investigation as part of an enterprise investigation relating to terrorism or recruiting a person from within such a group as a human source"] or Section IV.C(2)(m) ["A significant risk of violence or physical injury to individuals or a significant risk of financial loss"], it must be approved in advance by the FBI Director, the deputy director (DD), or the responsible executive assistant director (EAD). (See subsection 8.1.2.1.1. below for legal review requirements.)

8.1.2.1.1. In criminal [redacted] investigations, undercover activity that is reasonably

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expected to involve sensitive circumstances but does not consist of more than five separate substantive contacts must also be reviewed by an appropriate federal prosecutor.

8.1.2.2. When approval has been granted under subsection 8.1.2.1., the approving official (i.e., the Director, the DD, the designated EAD, or the DAD of CID) must notify the UCRC in writing within 48 hours.

8.1.3. Prohibition on Representing, Posing, or Claiming to Be a Member of the News Media in an Undercover Activity

8.1.3.1. Except when authorized as part of an undercover operation (UCO) pursuant to subsection 8.2.2.1.3. or 8.2.4.1., FBI employees are prohibited from engaging in an undercover activity in which they represent, pose, or claim to be members of the news media, as defined in DIOG subsection 10.1.2.2.5.

8.1.4. Specific Rules for Representing, Posing, or Claiming to Be a Member of a Documentary Film Crew in an Undercover Activity

8.1.4.1. FBI employees are permitted to engage in undercover activity that does not consist of more than five separate, substantive contacts in which they represent, pose, or claim to be members of a documentary film crew with prior approval of the DD (nondelegable), after consultation with the deputy attorney general (DAG). Such a request from a field office (FO) must be submitted by electronic communication (EC) [redacted]

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[redacted] Pursuant to AGG-UCO Section IV.C(2), the DD may approve up to five separate substantive contacts and may set any restrictions or requirements on these contacts (e.g., periodic updates), or the DD may approve the number of contacts in increments.

8.1.4.2. When DD approval has been granted under subsection 8.1.4.1., the DD's office must notify the UCRC in writing within 48 hours.

8.2. Approval of UCOs

8.2.1. Definition of UCO

8.2.1.1. As defined in DIOG subsection 18.6.13.3.C., a UCO is an operation that involves a series of related undercover activities over a period of time by a UCE. A series of related undercover activities consists of more than five separate substantive contacts by a UCE with the individuals under investigation. A substantive contact is a communication with another person, whether by oral, written, wire, or electronic means, that includes information of investigative interest.

8.2.2. Approval Authorities of Group I Undercover Operations: Applications Requiring FBIHQ/UCRC Review

8.2.2.1. If a UCO involves any of the sensitive circumstances set forth in AGG-UCO Section IV.C(2), or when FBI employees represent, pose, or claim to be members of the news media or a documentary film crew, the UCRC must review and the appropriate FBIHQ authority must approve the UCO application [redacted]

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[redacted] as set forth in this subsection. If the UCO proposal originates in an FO, the assistant director in charge (ADIC) or special agent in charge (SAC) must approve the application prior to submission to FBIHQ.

8.2.2.1.1. For undercover applications involving sensitive circumstances, except those identified in AGG-UCO Sections IV.C(2)(l) and (m), the approving authority must be the responsible operational assistant director (AD).

8.2.2.1.2. For undercover applications involving the sensitive circumstances identified in AGG-UCO Sections IV.C(2)(l) and (m), the approving authority must be the Director, the DD, or the responsible EAD.

8.2.2.1.3. For undercover applications involving FBI employees representing, posing, or claiming to be members of the news media or a documentary film crew, the approving authority must be the DD (nondelegable), after consultation with the DAG.

8.2.3. Interim Authorization of UCOs

8.2.3.1. A UCO application [redacted] that has been forwarded to FBIHQ and [redacted]

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would ordinarily require FBIHQ UCRC review may be initiated or renewed on an interim basis by the responsible operational AD in the event of exigent circumstances, for a period not to exceed 30 days. If the application involves sensitive circumstances identified in AGG-UCO Sections IV.C(2)(l) and (m), the interim authorization must be approved by the Director, the DD, or the responsible EAD, [redacted] as stated below.

Approval for interim authorization of a UCO must be documented [redacted]

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8.2.3.2. However, if the undercover application [redacted] involves FBI employees representing, posing, or claiming to be members of the news media or a documentary film crew, the interim authorization not to exceed 30 days must be approved in advance by the DD, after consultation with the DAG [redacted]

Approval for interim authorization of a UCO operation must be documented [redacted]

8.2.3.3. For the purposes of this subsection, the term "exigent circumstances" is defined as imminent risks to life, property, or personal safety of individuals or the loss of a significant investigative or intelligence collection opportunity.

8.2.3.4. The interim authority described in this subsection must be subsequently reviewed by the UCRC at the next scheduled meeting.

8.2.4. Emergency Interim Authorization of UCOs That Involve FBI Employees Representing, Posing, or Claiming to Be Members of the News Media or a Documentary Film Crew

8.2.4.1. If a proposed UCO involving a scenario in which FBI employees represent, pose, or claim to be members of the news media or a documentary film crew is urgently needed due to the immediacy or gravity of a threat to life or property, a threat to the national security, or the loss of a significant investigative opportunity, the ADIC/SAC may authorize the operation (nondelegable), after consulting or attempting to consult with the DD. Within 48 hours of granting the emergency interim authorization, the ADIC/SAC must submit a written application [redacted]

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[redacted] including the ADIC's/SAC's findings and a description of the emergency circumstances, to the UCRC for review and to the DD for approval. The UCRC must review the application at its next scheduled meeting.

8.2.4.2. Upon notification of emergency authorization in criminal [redacted] UCOs, [redacted] must notify all Department of Justice (DOJ) members of the criminal UCRC. If the subsequent written application for UCO approval is denied by the UCRC, the ADIC/SAC must submit a full report of all activity undertaken during the course of the UCO to the Director, who will inform the DAG [redacted] the responsible National Security Branch (NSB) AD must notify the DD.

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**9. Scope:**

This policy is applicable to all FBI personnel.

**10. Proponent:**

Criminal Investigative Division

**11. Roles and Responsibilities:**

11.1. The Director, the DD, or the responsible EAD must:

11.1.1. Approve undercover activity that does not consist of more than five separate, substantive contacts in advance if it is reasonably expected to involve any of the sensitive circumstances identified in AGG-UCO Section IV.C(2)(l) ["Participation in the activities of a group under investigation as part of an enterprise investigation relating to terrorism or recruiting a person from within such a group as a human source"] or Section IV.C(2)(m) ["A significant risk of violence or physical injury to individuals or a significant risk of financial loss"], in accordance with subsection 8.1.2.1.

11.1.2. Approve UCO applications involving the sensitive circumstances identified in AGG-UCO Sections IV.C(2)(l) and (m), in accordance with subsection 8.2.2.1.2.

11.1.3. Notify the UCRC in writing within 48 hours when approval has been granted for undercover activity involving sensitive circumstances, in accordance with subsection 8.1.2.2.

11.1.4. Provide interim authorization of UCOs that involve sensitive circumstances identified in AGG-UCO Sections IV.C(2)(l) and (m); [redacted] (see subsection 8.2.3.1.).

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11.2 The Director (in addition to the responsibilities listed in subsection 11.1.), will inform the DAG of all activity undertaken during an emergency authorized UCO if the written criminal [redacted] [redacted] undercover application is subsequently denied by FBIHQ, in accordance with subsection 8.2.4.2.

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11.3. The DD must (in addition to the responsibilities listed in subsection 11.1.):

11.3.1. Approve (nondelegable) undercover activity that does not consist of more than five separate, substantive contacts in which employees represent, pose, or claim to be members of a documentary film crew. The DD may set any restrictions or requirements (e.g., period updates) on these contacts or approve the number of contacts in increments (see subsection 8.1.4.1.)

11.3.2. Notify the UCRC in writing within 48 hours when granting approval of the undercover activities described in subsection 8.1.4.1., in accordance with subsection 8.1.4.2.

11.3.3. Approve UCO applications involving FBI employees representing, posing, or claiming to be members of the news media or a documentary film crew, after consultation with the DAG, in accordance with subsection 8.2.2.1.3.

11.3.4. Approve interim authorizations of UCOs that involve FBI employees representing, posing, or claiming to be members of the news media or a documentary film crew, after consultation with the DAG; [redacted] (see subsection 8.2.3.2.).

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11.4. The CID DAD with oversight responsibilities for the UCRC must:

11.4.1. Provide advance approval for undercover activity that is reasonably expected to involve sensitive circumstances set forth in AGG-UCO Section IV.C(2) but does not consist of more than five separate, substantive contacts, in accordance with subsection 8.1.2.1.

11.4.2. Notify the UCRC in writing within 48 hours when approval has been granted for undercover activity involving sensitive circumstances, in accordance with subsection 8.1.2.2.

11.5. The UCRC must:

11.5.1. Receive notice of all undercover activities approved pursuant to subsection 8.1.2.2. by the FBI Director, the DD, an EAD, or the DAD of CID, in accordance with subsection 8.1.2.1.

11.5.2. Review the UCO application [redacted] if the UCO involves any of the sensitive circumstances set forth in AGG-UCO Section IV.C(2), in accordance with subsection 8.2.2.1.

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11.5.3. Review and consider all interim authorizations of a UCO at its next scheduled meeting, in accordance with subsection 8.2.3.4.

11.5.4. Review and consider, at its next scheduled meeting, all UCO applications that involve a scenario of FBI employees representing, posing, or claiming to be members of the news media or a documentary film crew and were previously authorized by the ADIC/SAC on an emergency interim basis, in accordance with subsection 8.2.4.1.

11.6. Responsible Operational ADs

11.6.1. Responsible operational ADs:

11.6.1.1. Must approve UCO applications [redacted] that involve sensitive circumstances, except the sensitive circumstances identified in AGG-UCO Sections IV.C(2)(l) and (m), in accordance with subsection 8.2.2.1.1.

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11.6.1.2. May initiate or renew a submitted UCO application in the event of exigent circumstances on an interim basis for a period not to exceed 30 days, except UCOs that involve the sensitive circumstances identified in AGG-UCO Sections IV.C(2)(l) and (m), in accordance with subsection 8.2.3.1.

11.6.2. The responsible NSB AD must notify and submit a report to the DD of all activity undertaken during an emergency authorized UCO if the written [redacted] undercover application is subsequently denied by FBIHQ, as stated in subsection 8.2.4.2.

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11.7. [redacted] must notify all DOJ members on the criminal UCRC of all emergency interim authorizations in criminal [redacted] UCOs, in accordance with subsection 8.2.4.2.

11.8. The ADIC/SAC must:

11.8.1 Approve all UCO applications prior to submission to FBIHQ, in accordance with subsection 8.2.2.1.

11.8.2. Authorize interim emergency UCOs that involve FBI employees representing, posing, or claiming to be members of the news media or members of documentary film crew, after consulting or attempting to consult with the DD, in accordance with subsection 8.2.4.1.

11.8.3. Submit, within 48 hours of granting an emergency interim authorization, a written undercover application that includes his or her findings and a description of the emergency circumstances to the UCRC for review and subsequent approval by the DD, in accordance with subsection 8.2.4.1.

11.8.4. Submit a full report to the Director (who will inform the DAG) of all activity undertaken during an emergency authorized UCO if the written criminal [redacted] undercover application is subsequently denied by FBIHQ, in accordance with subsection 8.2.4.2.

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11.9. All FBI employees:

11.9.1. Are prohibited from engaging in any undercover activities in which they represent, pose, or claim to be members of the news media, as defined in DIOG subsection 10.1.2.2.5, except when authorized in a UCO, in accordance with subsection 8.1.3.1. or 8.2.4.1.

11.9.2. Are permitted to engage in undercover activity that does not consist of more than five separate, substantive contacts in which they represent, pose, or claim to be members of a documentary film crew with prior approval of the DD (nondelegable), after consultation with the DAG, in accordance with subsection 8.1.4.1.

**12. Exemptions:**

None

**13. Supersession:**

None

**14. Justification for exigent or special policy consideration:**

To provide immediate guidance and approval authority when FBI employees represent, pose, or claim to be members of the news media or a documentary film crew in undercover activities and UCOs.

**15. References, Links, and Forms:**

15.1. References

15.1.1. [AGG-Dom](#)

15.1.2. [AGG-UCO](#)

15.1.3. [DIOG](#)

15.2. Forms

15.2.1. [redacted]

15.2.2. [redacted]

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**16. Key Words, Definitions, and Acronyms**

**16.1. Definitions**

16.1.1. Undercover activity: any investigative activity involving the use of an assumed identity by a UCE for an official purpose or function, as defined in DIOG subsection 18.6.13.3.A.

16.1.2. Undercover operation: an operation that involves a series of related undercover activities over a period of time by a UCE, as defined in DIOG subsection 18.6.13.3.C. A series of related undercover activities consists of more than five separate substantive contacts by a UCE with the individuals under investigation. A substantive contact is a communication with another person, whether by oral, written, wire, or electronic means, that includes information of investigative interest.

**16.2. Acronyms**

16.2.1. AD: assistant director

16.2.2. ADIC: assistant director in charge

16.2.3. AGG-Dom: The Attorney General's Guidelines for Domestic FBI Operations

16.2.4. AGG-UCO: The Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations

16.2.5. CID: Criminal Investigative Division

16.2.6. DAD: deputy assistant director

16.2.7. DAG: deputy attorney general

16.2.8. DD: deputy director

16.2.9. DIOG: Domestic Investigations and Operations Guide

16.2.10. DOJ: Department of Justice

16.2.11. EAD: executive assistant director

16.2.12. EC: electronic communication

16.2.13. FBI: Federal Bureau of Investigation

16.2.14. FO: field office

16.2.15.

16.2.16. NSB: National Security Branch

16.2.17. PN: policy notice

16.2.18. SAC: special agent in charge

16.2.19. UCE: undercover employee

16.2.20. UCO: undercover activity

16.2.21. UCRC: Undercover Review Committee

**17. Appendices and Attachments:**

None

**Sponsoring Executive Approval**

**Name:** Stephen E. Richardson

Assistant Director

**Title:** Criminal Investigative Division

**Executive Assistant Director Approval**

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Executive Assistant Director

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**Final Approval**

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<b>Name:</b>	Andrew G. McCabe
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<b>Title:</b>	Deputy Director
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