

EXHIBIT G

Local News

FBI created fake Seattle Times Web page to nab bomb-threat suspect



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By [Mike Carter](#)

Seattle Times staff reporter

The FBI in Seattle created a fake news story on a bogus Seattle Times web page to plant software in the computer of a suspect in a series of bomb threats to Lacey’s Timberline High School in 2007, according to documents obtained by the Electronic Frontier Foundation (EFF) in San Francisco.

The deception was publicized Monday when Christopher Soghoian, the principal technologist for the American Civil Liberties Union in Washington, D.C., revealed it on Twitter.

In an interview, Soghoian called the incident “outrageous” and said the practice could result in “significant collateral damage to the public trust” if law enforcement begins co-opting the media for its purposes.

The EFF documents reveal that the FBI dummied up a story with an Associated Press byline about the Thurston County bomb threats with an email link “in the style of The Seattle Times,” including details about subscriber and advertiser information.

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The link was sent to the suspect's MySpace account. When the suspect clicked on the link, the hidden FBI software sent his location and Internet Protocol information to the agents. A juvenile suspect was identified and arrested June 14.

The revelation brought a sharp response from the newspaper.

"We are outraged that the FBI, with the apparent assistance of the U.S. Attorney's Office, misappropriated the name of The Seattle Times to secretly install spyware on the computer of a crime suspect," said Seattle Times Editor Kathy Best.

"Not only does that cross a line, it erases it," she said.

"Our reputation and our ability to do our job as a government watchdog are based on trust. Nothing is more fundamental to that trust than our independence — from law enforcement, from government, from corporations and from all other special interests," Best said. "The FBI's actions, taken without our knowledge, traded on our reputation and put it at peril."

An AP spokesman also criticized the tactic.

"We are extremely concerned and find it unacceptable that the FBI misappropriated the name of The Associated Press and published a false story attributed to AP," Paul Colford, director of AP media relations. "This ploy violated AP's name and undermined AP's credibility."

Frank Montoya Jr., the special agent in charge of the FBI in Seattle, defended the investigation and the technique, which court records show led to the arrest and conviction of a 15-year-old student.

"Every effort we made in this investigation had the goal of preventing a tragic event like what happened at Marysville and Seattle Pacific University," Montoya said. "We

identified a specific subject of an investigation and used a technique that we deemed would be effective in preventing a possible act of violence in a school setting.

“Use of that type of technique happens in very rare circumstances and only when there is sufficient reason to believe it could be successful in resolving a threat,” he said.

Ayn Dietrich-Williams, the spokeswoman for the FBI-Seattle, pointed out that the bureau did not use a “real Seattle Times article, but material generated by the FBI in styles common in reporting and online media.”

Assistant U.S. Attorney Tessa Gorman, chief of the office’s criminal division, was reviewing the EFF documents provided to her by The Times and had no immediate comment. Kathryn Warma, the prosecutor who oversaw the case, has since retired.

The EFF posted 172 pages of documents concerning the FBI’s use of a software tool called a “Computer and Internet Protocol Address Verifier” (CIPAV) in two cases — one involving the Timberline High School bomb threats and the other involving an extortion attempt against a cruise line in Florida. More than half of the documents relate to the Seattle case.

According to the documents, CIPAV lets the FBI “geophysically” locate a computer and its Internet Protocol address.

Soghoian said the software is activated when someone clicks on the bogus link. The technique apparently exploits the same computer-security vulnerabilities used by hackers.

Police in Lacey, Thurston County, contacted the Northwest Cyber-Crime Task Force after the school began receiving a series of bomb threats beginning in late May 2007 and continuing into early June. The school was forced to evacuate students at least twice, and police were unable to identify a suspect.

The documents indicate the FBI in Seattle obtained a search warrant to “deploy” the CIPAV software after the task force, which is run by the FBI, received a public tip about a suspect. Special Agent Norman Sanders, in seeking the warrant, said the bureau would send a “communication” to the suspect’s computer that would make the computer identify itself for the agent.

The case was taken up by the U.S. Attorney’s Office, which helped draft and approve the warrant. The warrant does not say that “communication” would be a bogus news story that appeared to be published online by The Seattle Times.

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EXHIBIT I

UNCLASSIFIED



FEDERAL BUREAU OF INVESTIGATION
POLICY NOTICE

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1. Policy Directive Title.	Undercover Activities and Operations – Posing as a Member of the News Media or a Documentary Film Crew
2. Publication Date.	2016-06-08
3. Effective Date.	2016-06-08
4. Review Date.	2016-12-05
5. Date of Last Renewal.	N/A

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

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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.

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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.

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]

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[redacted] (see subsection 8.2.3.1.).

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] [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] [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

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17. Appendices and Attachments:

None

Sponsoring Executive Approval	
Name:	Stephen E. Richardson
Title:	Assistant Director Criminal Investigative Division
Executive Assistant Director Approval	
Name:	Michael B. Steinbach
Title:	Executive Assistant Director National Security Branch
Name:	Randall C. Coleman
Title:	Executive Assistant Director Criminal, Cyber, Response and Services Branch
Final Approval	

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Name:	Andrew G. McCabe
Title:	Deputy Director

Title:	Deputy Director
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POLICY NOTICE

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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.

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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]

[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]

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[redacted] (see subsection 8.2.3.1.).

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]

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(see subsection 8.2.3.2.).

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]

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[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.

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]

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[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.

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

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17. Appendices and Attachments:

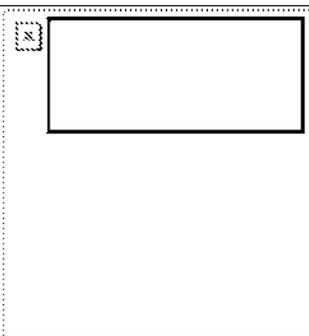
None

Sponsoring Executive Approval	
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FEDERAL BUREAU OF INVESTIGATION
POLICY NOTICE

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1. Policy Directive Title.	Undercover Activities and Operations – Posing as a Member of the News Media or a Documentary Film Crew
2. Publication Date.	2016-06-08
3. Effective Date.	2016-06-08
4. Review Date.	2017-12-05
5. Date of Last Renewal.	4/24/2017

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]

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]

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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]

[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.

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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
Title:	Assistant Director Criminal Investigative Division
Executive Assistant Director Approval	
Name:	Michael B. Steinbach
Title:	Executive Assistant Director National Security Branch
Name:	Randall C. Coleman
Title:	Executive Assistant Director Criminal, Cyber, Response and Services Branch
Final Approval	

Name:	Andrew G. McCabe
Title:	Deputy Director

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 FEDERAL BUREAU OF INVESTIGATION
POLICY NOTICE
0907N

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

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[redacted] (see subsection 8.2.3.1.).

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]

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(see subsection 8.2.3.2.).

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

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17. Appendices and Attachments:

None

Sponsoring Executive Approval	
Name:	Stephen E. Richardson
Title:	Assistant Director Criminal Investigative Division
Executive Assistant Director Approval	
Name:	Michael B. Steinbach
Title:	Executive Assistant Director National Security Branch
Name:	Randall C. Coleman
Title:	Executive Assistant Director Criminal, Cyber, Response and Services Branch
Final Approval	

Name:	Andrew G. McCabe
Title:	Deputy Director

UNCLASSIFIED

EXHIBIT J

GAVIN, MICHAEL T. (ME) (FBI)

From: GAVIN, MICHAEL T. (CID) (FBI)
Sent: Thursday, February 18, 2016 3:36 PM
To: STEINBACH, MICHAEL B. (CTD) (FBI)
Cc: GAVIN, MICHAEL T. (CID) (FBI)
Subject: RE: UCO --- UNCLASSIFIED//~~FOUO~~

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED//~~FOUO~~
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Yes Sir,

Understood. [redacted] has ensured this message has been communicated across all programs. In the event a field office sends an application for a UCO utilizing the technique, we will ensure appropriate FBIHQ EM is briefed and, if recommended, the approval goes up to the DD. I have drafted an email which will go out tomorrow to all Undercover Coordinators reiterating this message. b7E -3

Michael T. Gavin

Chief, [redacted]
[redacted]

b6 -1
b7C -1
b7E -3

From: STEINBACH, MICHAEL B. (CTD) (FBI)
Sent: Thursday, February 18, 2016 10:09 AM
To: GAVIN, MICHAEL T. (CID) (FBI); PAARMANN, C. (CTD) (FBI); HERSEM, STEVEN W. (CTD) (FBI); TABB, JAY S. (CTD) (FBI); UPCHURCH, L DIANE (CTD) (FBI); REES, STEPHEN (CTD) (FBI); MENTZER, LARISSA L (CTD) (FBI); ROBERTS, GERALD (CTD) (FBI); [redacted] PAUL, MICHAEL F. (CTD) (FBI)
Subject: UCO --- UNCLASSIFIED//~~FOUO~~ b6 -1
b7C -1

Classification: UNCLASSIFIED//~~FOUO~~
=====

I want to ensure everyone understands that all UCOs that involve the use of a fictional media company, news entity, documentary crew, etc as a part of the scenario must have Deputy Director approval.

Michael B. Steinbach
Assistant Director
Counterterrorism Division

[redacted]
(Unclass [redacted])
(BB [redacted])

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Classification: UNCLASSIFIED//~~FOUO~~
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=====
Classification: UNCLASSIFIED//~~FOUO~~
=====

GAVIN, MICHAEL T. (ME) (FBI)

From: GAVIN, MICHAEL T. (CID) (FBI)
Sent: Wednesday, June 08, 2016 12:53 PM b6 -1
To: LANGENBERG, JAMES C. (INSD) (FBI) b7C -1
Cc: GAVIN, MICHAEL T. (CID) (FBI); [redacted]
Subject: FW: Notification to FBIHQ and the field regarding heightened interim approval levels for use of "documentary" related undercover scenarios --- UNCLASSIFIED//~~FOUO~~

SentinelCaseId: NON-RECORD

Classification: UNCLASSIFIED//~~FOUO~~

FYSA

From: GAVIN, MICHAEL T. (CID) (FBI)
Sent: Wednesday, June 08, 2016 9:17 AM
To: [redacted] b6 -1
Cc: [redacted] GAVIN, MICHAEL T. (CID) (FBI); [redacted] b7C -1
Subject: Notification to FBIHQ and the field regarding heightened interim approval levels for use of "documentary" related undercover scenarios --- UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~

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There have been a number of communications to HQ components and the field in 2016 regarding the use of "documentary" and similar type scenarios in undercover operations. In early February 2016, I was notified that a discussion had been initiated with DOJ regarding a potential FBI policy change that would require DD authorization for the use of such scenarios. Until such time as the negotiations with DOJ were resolved, I was subsequently directed to implement an interim procedure that ensured the DD authorized these types of operations across all investigative programs.

Below are three emails pertaining to the implementation of an interim procedure requiring DD authorization for undercover scenarios using documentary or similar scenarios. I have not included any emails regarding our discussions or efforts to craft the actual policy change.

Email #1, dated 2/18/2016, is from NSB EAD Steinbach to NSB components on this issue. Email #2, dated 2/19/2016, is an email from me to all Undercover Coordinators (UCCs), both in the field and FBIHQ, notifying them of the interim requirements. Email #3, dated 2/23/2016, is an email from CID AD Campbell to CID components reiterating the interim requirements.

Let me know if you need additional information.

Michael T. Gavin
Chief [redacted]

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[Redacted]

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From: [Redacted]
Sent: Wednesday, June 08, 2016 4:06 PM
To: GAVIN, MICHAEL T. (CID) (FBI)
Subject: RE: Policy Notice Posing as a Member of the News Media or a Documentary Film Crew UNCLASSIFIED//~~FOUO~~

Classification: UNCLASSIFIED//~~FOUO~~
=====

Congrats Mike! I know this was a heavy lift!

From: GAVIN, MICHAEL T. (CID) (FBI)
Sent: Wednesday, June 08, 2016 4:04 PM

To: [Redacted]
[Redacted]
[Redacted] GAVIN, MICHAEL T. (CID) (FBI); [Redacted] MARSHALL, HOWARD S. (LS) (FBI); [Redacted]
[Redacted] HUGHES, ROBERT (CID) (FBI); [Redacted]
[Redacted] TABB, JAY S. (CTD) (FBI); [Redacted]
[Redacted]
[Redacted] PAARMANN, C BRYAN (CTD) (FBI); HERSEM, STEVEN W. (CTD) (FBI)

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b7C -1
b7E -4

Cc: [Redacted]
[Redacted]

LANGENBERG, JAMES C. (INSD) (FBI); [Redacted]
Subject: Policy Notice - Posing as a Member of the News Media or a Documentary Film Crew --- UNCLASSIFIED//~~FOUO~~
Importance: High

Classification: UNCLASSIFIED//~~FOUO~~
=====

In February of this year, I notified headquarters and field office Undercover Coordinators (UCCs) that a policy revision was being negotiated with DOJ that would raise the approval level for undercover activity and operations which utilize any variation of a documentary/news media scenario. Those negotiations are complete and a policy notice, designated 0907N, was authorized and published today and is available in RPO's Internal Policy Office library. It can be accessed via this link: [Undercover Activities and Operations Posing as a Member of the News Media or a Documentary Film Crew Policy Notice](#).

While I refer to you the policy notice for details, the bottom line is that Deputy Director (DD) authorization and ODAG consultation is now required to use documentary/news media scenarios in undercover operations. There are specific conditions and restrictions which apply to the approval and use of these scenarios in exigent and emergency circumstances as well as in undercover activity (five or less substantive contacts outside of an authorized undercover operation). This policy notice applies to all investigative program. I refer you to the DIOG for the definition of "News Media."

From: [redacted]
To: [redacted]
Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~
Date: Friday, February 05, 2016 4:24:19 PM

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Classification: ~~SECRET~~

~~Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20411231~~

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b7C -1

TRANSITORY RECORD

From: UPCHURCH, L DIANE (CTD)(FBI)
Sent: Friday, February 05, 2016 4:23 PM
To: [redacted]

[redacted]

b6 -1
b7C -1

Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

Classification: ~~SECRET~~

~~Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20411231~~

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b7C -1

TRANSITORY RECORD

fysa

From: PAARMANN, C. (CTD) (FBI)
Sent: Friday, February 05, 2016 3:32 PM
To: [redacted]
Cc: [redacted] GAVIN, MICHAEL T. (CID) (FBI)
Subject: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

b6 -1
b7C -1
b7E -4

Classification: ~~SECRET~~

~~Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20411231~~

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b7C -1

TRANSITORY RECORD

By verbal order of the Deputy Director -- Henceforth, due to the nature and potential sensitivity of the technique, Deputy Director approval is henceforth required for any UCO scenario utilizing the cover of a Documentary Film Crew or similar scenario. This is a change to both policy and the implementation guide and being put out to you all as you staff and run the CUORC. NSB and OGC will be making the appropriate paper changes. In the meantime,

please take note and comply as this order is effective immediately.

C. Bryan Paarmann

Deputy Asst. Director

Counterterrorism Division, FBI

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(cell)

(secure)

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Classification: ~~SECRET~~

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Classification: ~~SECRET~~

From: [redacted]
Sent: Friday, February 05, 2016 4:42 PM
To: [redacted]

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Cc: [redacted]
Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

Classification: ~~SECRET~~

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b7C -1

~~Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20411231~~

=====

TRANSITORY RECORD

From: PAARMANN, C. (CTD) (FBI)
Sent: Friday, February 05, 2016 3:32 PM
To: [redacted]
Cc: [redacted] GAVIN, MICHAEL T. (CID) (FBI)
Subject: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

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b7C -1
b7E -4

Classification: ~~SECRET~~

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b7C -1

~~Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20411231~~

=====

TRANSITORY RECORD

By verbal order of the Deputy Director -- Henceforth, due to the nature and potential sensitivity of the technique, Deputy Director approval is henceforth required for any UCO scenario utilizing the cover of a Documentary Film Crew or similar scenario. This is a change to both policy and the implementation guide and being put out to you all as you staff and run the CUORC. NSB and OGC will be making the appropriate paper changes. In the meantime, please take note and comply as this order is effective immediately.

C. Bryan Paarmann

Deputy Asst. Director

Counterterrorism Division, FBI

(o) [redacted]

(cell) [redacted]

(secure) [redacted]

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b7E -4

=====
Classification: ~~SECRET~~

From: [redacted]
To: [redacted]
Cc: [redacted]
Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~
Date: Monday, February 08, 2016 3:45:32 PM

b6 -1
b7C -1

Classification: ~~SECRET~~
Classified By: [redacted]
Derived From: Multiple Sources
Declassify On: 20411231

b6 -1
b7C -1

TRANSITORY RECORD

[redacted] - ummmm. How do I answer this? Did I understand that you and [redacted] were present when the DD said the below? Do we need to push out guidance to our folks? Should I just call Paarman? Thanks for any light you can shed, [redacted]

b6 -1
b7C -1

From: [redacted]
Sent: Monday, February 08, 2016 3:18 PM
To: [redacted]
Cc: [redacted]

b6 -1
b7C -1

Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

Classification: ~~SECRET~~
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b6 -1
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TRANSITORY RECORD

[redacted]

b6 -1
b7C -1

We at CCOU have just become aware of this new order from the Deputy Director. We have several questions regarding its implementation:

1. Does the order apply to all UCOs, or only to National Security UCOs?
2. Does the order apply to Group I and Group II UCOs?
3. If the order applies to Group II UCOs approved by SACs, what is the mechanism for obtaining DD approval, since previously these UCOs have only required FBIHQ approval (by EC) when Fiscal Circumstances existed?
4. Does the order apply only to future UCOs, or does it apply retroactively to ongoing UCOs that have already been approved with the documentary film crew scenario?

Your guidance here is greatly appreciated.

Thanks,

[Redacted]

SSA [Redacted]

b6 -1
b7C -1
b7E -3

FBIHQ [Redacted]

Criminal Covert Operations Unit

[Redacted] (Office)

[Redacted] (Cell)

From: [Redacted]
Sent: Monday, February 08, 2016 2:40 PM
To: [Redacted]
Cc: [Redacted]

b6 -1
b7C -1

Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

Classification: ~~SECRET~~

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Derived From: Multiple Sources
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b6 -1
b7C -1

TRANSITORY RECORD

Dear SSA [Redacted]

[Redacted]

b6 -1
b7C -1
b7E -7

Regards,

[Redacted]

From: [Redacted]
Sent: Monday, February 08, 2016 11:03 AM
To: [Redacted]

b6 -1
b7C -1

[Redacted]

b6 -1
b7C -1

Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

Classification: ~~SECRET~~

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b6 -1
b7C -1

TRANSITORY RECORD

FYSA, please see below regarding UCO scenarios involving Documentary Film Crews (or similar situations).

v/r

[Redacted]

b6 -1
b7C -1

From: [Redacted]
Sent: Friday, February 05, 2016 6:31 PM
To: [Redacted]

[Redacted]

b6 -1
b7C -1

Subject: FW: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

Classification: ~~SECRET~~

~~Classified By: [Redacted]
Derived From: Multiple Sources
Declassify On: 20411231~~

b6 -1
b7C -1

FYSA

From: PAARMANN, C. (CTD) (FBI)
Sent: Friday, February 05, 2016 3:32 PM
To: [Redacted]
Cc: [Redacted] GAVIN, MICHAEL T. (CID) (FBI)
Subject: Undercovers Utilizing Documentary Film Crew --- ~~SECRET~~

b6 -1
b7C -1
b7E -4

Classification: ~~SECRET~~

~~Classified By: [Redacted]
Derived From: Multiple Sources
Declassify On: 20411231~~

b6 -1
b7C -1

TRANSITORY RECORD

By verbal order of the Deputy Director -- Henceforth, due to the nature and potential sensitivity of the technique, Deputy Director approval is henceforth required for any UCO scenario utilizing the cover of a Documentary Film Crew or similar scenario. This is a change to both policy and the implementation guide and being put out to you all as you staff and run the CUORC. NSB and OGC will be making the appropriate paper changes. In the meantime, please take note and comply as this order is effective immediately.

C. Bryan Paarmann

Deputy Asst. Director

Counterterrorism Division, FBI

(o) [redacted]

(cell) [redacted]

(secure) [redacted]

b6 -1
b7C -1
b7E -4

=====
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EXHIBIT K



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FBI should stop using journalism as a cover for operations says SPJ

SPJ News
8/7/1996



The Federal Bureau of Investigation has no business permitting its informants to impersonate journalists, said G. Kelly Hawes, president of the Society of Professional Journalists, after learning that an informant posed as a newspaper reporter during an FBI sting operation.

David H. Elton III posed as a reporter for the Spokane Valley Herald in Washington as he wore a recorder relaying information to the FBI. Elton conducted a series of interviews with James Marks, who was being investigated by the FBI.

"The Society of Professional Journalists opposes the practice of police officers or FBI agents or their informants posing as journalists to obtain information," said Hawes in a letter to Louis J. Freeh, FBI director. "It is imperative that the FBI and other law enforcement agencies be able to do their jobs. The American system of justice depends on it. But it is also imperative that journalists be able to do their jobs, acting as the watchdogs on government and the criminal justice system. Journalists should not pose as police officers, and police officers should not pose as journalists. The welfare of the republic requires it."

Hawes encouraged Freeh to support a policy prohibiting the FBI's use of the journalism profession as a cover for informants or operatives.

This is the third time in the last 18 months that SPJ has criticized a government agency for the use of journalism as a cover for operations. In 1995 SPJ condemned U.S. Postal Inspectors for posing as reporters. Postmaster General Marvin Runyan has since prohibited the practice. Earlier this year, the

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@spj_tweets

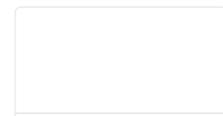
Researchers at @ASU's Walter Cronkite School of Journalism have begun studying stations that are trying to make meaningful changes on broadcast and digital platforms - they want to hear from you. Meet them at #EJ18 Sept. 27 to share your insight. bit.ly/2Clqena



38m

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@spj_tweets

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Society urged the Central Intelligence Agency to get rid of the loopholes in its ban on the use of journalism as a cover.

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3909 N. Meridian St., Suite 200
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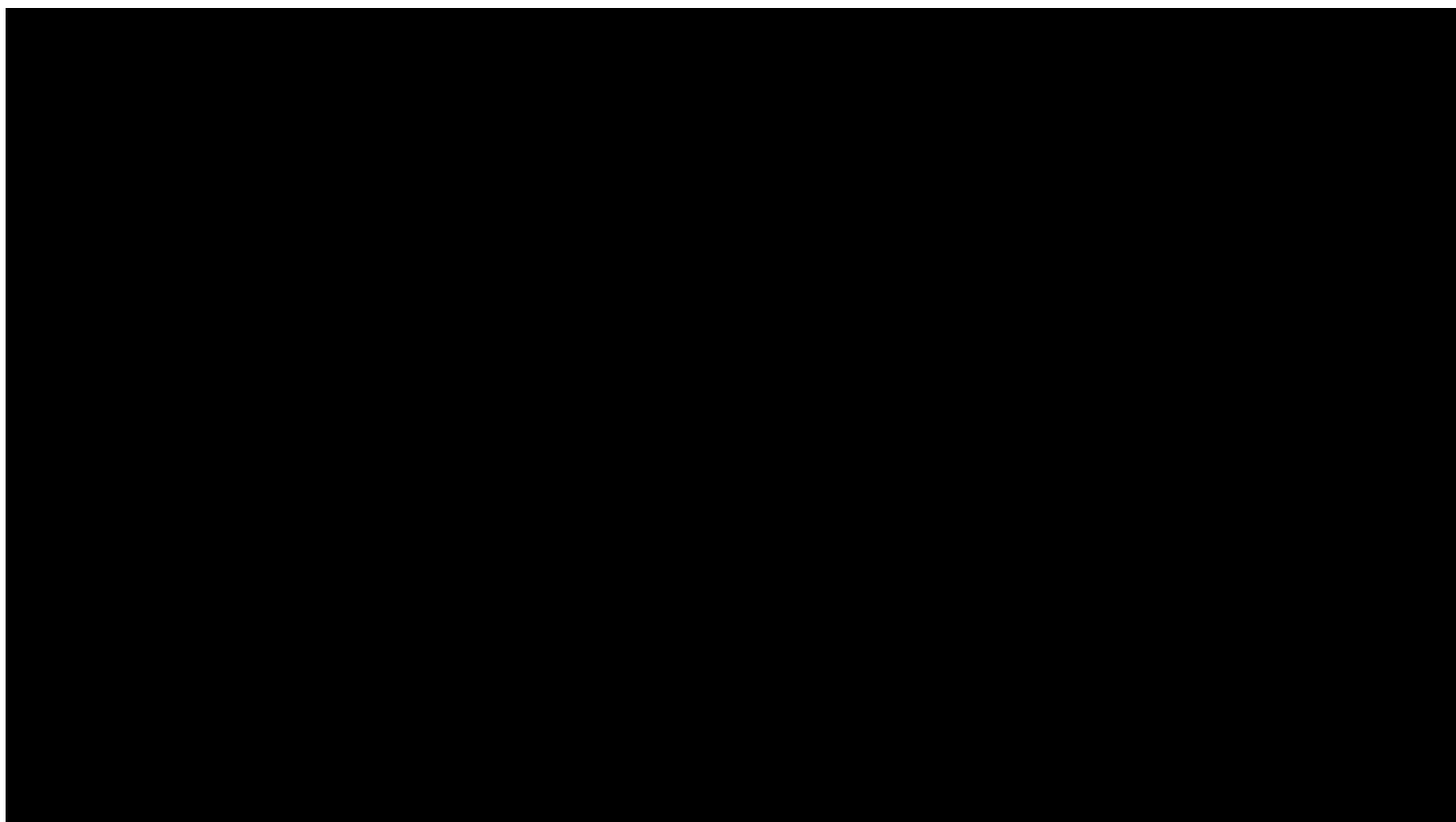
EXHIBIT L

FBI agents, posing as a documentary film crew, conduct an undercover investigation into the Bundy family and their role in the 2014 standoff in Bunkerville, Nevada.

AMERICAN PATRIOT: INSIDE THE ARMED UPRISING AGAINST THE FEDERAL GOVERNMENT
(<HTTPS://WWW.PBS.ORG/WGBH/Frontline/Film/American-Patriot-Inside-the-Armed-Uprising-Against-the-Federal-Government/>)

New Video Shows Undercover FBI Operation Against Bundy Family

MAY 15, 2017 / by [ABBY ELLIS \(HTTPS://WWW.PBS.ORG/WGBH/Frontline/Person/Abby-Ellis/\)](HTTPS://WWW.PBS.ORG/WGBH/Frontline/Person/Abby-Ellis/) ·
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In a never-before-released video, FBI agents posing as documentary filmmakers pose as planning an undercover operation to investigate a Nevada ranching family whose fight with the federal government sparked an armed uprising and rallied militias from around the country.

The undercover operation by "Longbow Productions" began shortly after the Bundy family and hundreds of supporters, many of them armed, forced government agents to surrender cattle they'd impounded from the family in 2014.

In audio and video recordings of the operation, an FBI agent going by the pseudonym "Charles Johnson" tries to find out the Bundy "family rank structure" and who planned the uprising in the desert town of Bunkerville.

He asks Ammon Bundy, who became the face of the family's fight against the government, "Did you think you might have to take a life?" Bundy responded, "I never did once think I'd have to take a life."

At another point, one of Ammon's brothers, Ryan, asks the undercover crew: "I want to know if this is an interview or an interrogation."

The footage is now part of a sweeping federal case against Ammon, Ryan, their father Cliven Bundy, and two others. The existence of the materials was confirmed in court filings, but its release has been blocked by a federal judge in order to protect the identities of the undercover agents.

FRONTLINE obtained video and audio recordings of the operation in the course of reporting for the film *American Patriot: Inside the Armed Uprising Against the Federal Government* (<https://www.pbs.org/wgbh/frontline/film/american-patriot-inside-the-armed-uprising-against-the-federal-government/>), a months-long investigation of the Bundys' confrontations with federal agents and the militia movement they helped inspire.

(In the clip above, FRONTLINE has concealed the agents' identities and voices.)

Federal prosecutors declined to comment on the operation, as did the FBI.

In an interview from prison, Ammon said the Bundys were at first wary of Longbow and reluctant to participate. "We actually said no the first couple of times. We just didn't feel comfortable ... But he was persistent."

Ultimately, Ammon agreed to participate, and convinced his family to as well. "I think about that the whole time my mom's in there peeling potatoes for them, cooking for them, they're plotting to destroy our family," he told FRONTLINE.

The Bundys are scheduled to go on trial next month on multiple charges, including conspiracy and assaulting and threatening a federal agent.

Ammon Bundy's attorney, Dan Hill, called the FBI operation troubling.

"They impersonated journalists so they could interrogate people the FBI fully intended on charging with serious crimes, without any lawyers present," he said. "We should not have to fear that our government is infiltrating America's sacred press and media institutions in order to try to gain prosecutorial advantages against its own people."

After coming under criticism for this type of operation in the past, the FBI Inspector General recommended that they be limited to circumstances approved at a high level within the bureau.

As part of the Longbow operation, the FBI also used its access to the Bundys to interview militia members who had been at the Bunkerville standoff. One of them, Greg Burleson, was part of a militia in Arizona.

While undercover cameras were running, the agents gave Burleson alcohol and asked him what the response would have been had the federal government crossed into a perimeter the militia had set up in Bunkerville. Burleson responded: "Dead bodies. Literally."

The footage was used to help convict Burleson last month on eight charges, including threatening and assaulting a federal officer. He faces a minimum of 57 years in prison.

As the investigation was going on, Ammon Bundy travelled to Oregon, where in January 2016 he ended up staging an armed standoff — this time occupying the Malheur National Wildlife Refuge. The standoff ended in Bundy's arrest, as well as in the death of one of the other occupation leaders — Robert LaVoy Finicum.

In October, Ammon Bundy was acquitted of conspiracy for his role in the Malheur showdown, as was his brother Ryan and five others. In a second trial, two more supporters were acquitted of conspiring to impede federal officers, but convicted of lesser charges.

Last month in Nevada, a judge declared a mistrial for four of Bundy's co-defendants for their role in Bunkerville.

Soon after the Bunkerville standoff ended in April 2014, the undercover agent called the Bundy family to talk about filming at the ranch. In the audio recordings, Ammon Bundy comments that he cannot find much about Longbow Productions online.

"I just don't keep a lot of stuff up there because it is not my product anymore," the agent tells him. "That's why I invested my money here because I don't want it to go to the wrong hands."

After some back and forth, Ammon says, "I think I've got what I wanted so I feel a lot more comfortable about it."

Watch [American Patriot: Inside the Armed Uprising Against the Federal Government](https://www.pbs.org/wgbh/frontline/film/american-patriot-inside-the-armed-uprising-against-the-federal-government/)

(<https://www.pbs.org/wgbh/frontline/film/american-patriot-inside-the-armed-uprising-against-the-federal-government/>) on-air and [online](https://www.pbs.org/wgbh/frontline/film/american-patriot-inside-the-armed-uprising-against-the-federal-government/) (<https://www.pbs.org/wgbh/frontline/film/american-patriot-inside-the-armed-uprising-against-the-federal-government/>) starting Tuesday, May 16 at 10 p.m. EST/9 p.m. CST on ([check local PBS listings](https://www.pbs.org/wgbh/frontline/schedule/)) (<https://www.pbs.org/wgbh/frontline/schedule/>).

Correction: An earlier version of this story said that supporters of Ammon Bundy were convicted of misdemeanors. They were convicted of felonies.



FILM:

American Patriot: Inside the Armed Uprising Against the Federal Government

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EXHIBIT M

SLOG

NEWS • MEDIA

FBI Spokesperson Suggests Posing As an Associated Press Reporter Is No Different Than Posing As a Dentist

by [Ansel Herz](#) • Oct 30, 2014 at 3:03 pm



MARK VAN SCYOC / SHUTTERSTOCK.COM

On Tuesday afternoon, FBI Seattle bureau spokesperson Ayn Dietrich-Williams called me on my cell phone. The main purpose of her phone call was to inform me that, although FBI agents appear to have used the *Seattle Times* as a reference when **crafting a fake story to lure a suspect into installing spyware** on his computer, the fake story they actually sent out only pretended to be from the Associated Press.

Earlier that day, the AP had said the FBI's "ploy" undermines the news agency's credibility and called it **"unacceptable."**

As we talked about the implications of her clarification, Dietrich-Williams betrayed a blasé attitude toward objections by media outlets to the FBI impersonating any reporter, regardless of which publication it might be. **At one point, she compared journalists to dentists** and suggested FBI agents pretending to be either one was equally harmless.

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"We just used something in the style of media," she told me. "We could have pulled it off the *Washington Post* or *New York Times*."

FBI agents were racing against time to catch the suspect, Dietrich-Williams said. At the time, the suspect was a 15-year-old who was sending bomb threats to Timberline High School near Olympia. The year was 2007. The agents "knew the media approach would work with him" because, she explained, he was a megalomaniacal person who'd be interested in coverage of his exploits.

The "technique" of impersonating journalists, Dietrich-Williams emphasized to me, is rarely used. **How rarely, though?** Could she provide a general number for how many times this has happened? "That's something you'd have to FOIA," she told me. And the FBI's new Seattle bureau head, **Frank Montoya Jr.**, will not be offering any further public comment on the matter, she said.

I suggested that the desire to quickly catch a suspect does not justify impersonating media organizations, which are meant to play the role of independent watchdogs of government.

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"If you and I were at dinner, we'd have a long discussion about the ethics of it," she said. "What if we said that we were dentists. **Would all the dentists be upset?**"

They probably would. Medical professionals, like journalists, are trusted with personal information about their patients. Without that trust, their work becomes more difficult and the same is true for journalists—without the trust that readers and sources have in reporters, there wouldn't be a meaningful independent press. And journalistic work is already difficult enough. Some journalists are being threatened with **jail time** by the Obama administration for publishing what they uncover. Around the world, journalists are often targeted for violence with bullets and bombs. They get killed on the job **nationally** and **internationally**. If hackers (even hackers who threaten to blow things up, as in 2007) cannot trust that journalists are who they say they are, they may see them as enemies rather than as neutral parties.

Dietrich-Williams's comments haven't mollified *Seattle Times* editor Kathy Best much, either. Best expressed outrage on Monday after the FBI's ruse first came to light. "Even if the *Times* name wasn't used, the issues raised are the same," Best said in a statement

Tuesday. "The FBI, in placing the name of the Associated Press on a phony story sent to a criminal suspect, crossed a line and **undermined the credibility of journalists everywhere**—including at The Times."

Can we expect better from the FBI, America's top law enforcement agency? That they might adhere to some, you know, principles, out of respect for the Fourth Estate?

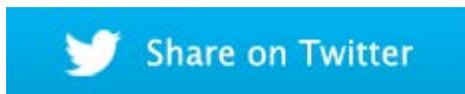
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Absent stronger pushback from journalists and the public, the answer appears to be no. In 2000, reporters caught on to the fact that FBI agents were pretending to be journalists, complete with **their own press passes**, in Spokane during the trial of a group of white supremacists. "This decision... put the reporters covering the trial at risk," said Kyle Elyse Niederpruem, the Society of Professional Journalists' president at the time. "Should the crowd have uncovered the FBI scam, undoubtedly it would have been taken out on the working press—people who were there covering a trial and using legitimate credentials."

During the furor over the FBI's scam, the local sheriff who'd given the agents fake media credentials pulled them and said he regretted the decision.

In 2010, a man blockading a street in Haiti during an **outburst of riots** stopped me, pulled out a knife, and demanded to see my press badge. He examined it closely for a moment. Then he let me pass through, but warned that I should have worn it more visibly on the outside of my shirt. If he hadn't believed in the authenticity of my badge, it's hard to know what would have happened. That badge helped me get through several barricades.

"In 1996 we asked you to take action for a similar abuse," **SPJ's Niederpruem continued**, in an open letter to the Clinton administration and FBI. "Apparently, the Bureau didn't get the message then—and didn't adjust its own policies to avoid repeating history."



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EXHIBIT N

FBI says it faked AP story to catch bomb suspect

Oct. 28, 2014

SEATTLE (AP) — The FBI confirmed Tuesday it faked an Associated Press story to catch a bomb threat suspect in 2007, but now says it did not spoof a Seattle Times Web page as part of the investigation.

Police in Lacey, near Olympia, sought the FBI's help as repeated bomb threats prompted a week of evacuations at Timberline High School in June 2007.

After police interviews of potential suspects came up empty, the agency obtained a warrant from a federal magistrate judge to send a "communication" to a social media account associated with the bomb threats, with the idea of tricking the suspect into revealing his location, according to documents obtained by the San Francisco-based Electronic Frontier Foundation.

The "communication," which contained a software tool that could verify Internet addresses, turned out to be a link to a phony AP story about the bomb threats posted on a Web page created by the FBI. The 15-year-old suspect clicked on the link, revealing his computer's location and Internet address, and helping agents confirm his identity.

The documents suggested the bogus story was posted on a fake Seattle Times site, but Seattle FBI spokeswoman Ayn Dietrich said Tuesday that was wrong. Instead, she said an undercover agent sent the teen a hyperlink that simply said "article," and nowhere was The Seattle Times referenced.

The confusion stemmed from an email between FBI employees that referred to an "email link in the style of The Seattle Times," but that link was simply provided as an example of what a news story link might look like, Dietrich said.

The FBI did not initially respond to AP's request earlier Tuesday for further detail about the fake story, beyond saying the ruse was necessary as part of the investigation.

"Every effort we made in this investigation had the goal of preventing a tragic event like what happened at Marysville and Seattle Pacific University," said Frank Montoya Jr., the FBI's special agent in charge in Seattle.

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"We are extremely concerned and find it unacceptable that the FBI misappropriated the name of The Associated Press and published a false story attributed to AP," Colford said in a statement.

Kathy Best, editor of The Seattle Times, said in a statement that while the newspaper was "pleased to hear" the FBI did not use the paper's name, it would have preferred to have found that information out earlier from the agency "instead of a defense of the tactic" Monday after the FBI was presented with internal agency documents showing a mocked up, phony Seattle Times email and Web page.

"Even if The Seattle Times name wasn't used, the issues raised are the same. The FBI, in placing the name of The Associated Press on a phony story sent to a criminal suspect, crossed a line and undermined the credibility of journalists everywhere — including at The Times," Best said.

Dietrich said she had no information about how often the FBI has faked news stories during investigations beyond Montoya's description that it was "very rare."

"In order to safeguard the FBI's ability to effectively detect, disrupt, and dismantle threats to the public, we must be judicious in how we discuss investigative techniques," Dietrich said in an email.

The documents revealing the deception were publicized Monday on Twitter by Christopher Soghoian, the principal technologist for the American Civil Liberties Union.

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EXHIBIT O

PowerPost Opinion

FBI impersonation of journalists can be hazardous to their health



By Joe Davidson



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A new Justice Department [inspector general's report](#) giving the FBI a pass on its impersonation of a journalist hit home. Law enforcement officials apparently don't realize how dangerous a masquerade can be.

Last week's report says the FBI did not violate the weak policies in effect when an agent pretended to be an Associated Press editor to catch a 2007 serial intimidator who made bomb threats by email. The FBI recently issued tougher, interim requirements for agents posing as journalists.

For journalists, that's not good enough.

Impersonation of journalists by law enforcement or intelligence officers can be perilous — for the journalists.

This helps explain:

For a 1986 Wall Street Journal article on life under apartheid, I lived with a family in a shanty section of Port Elizabeth, an industrial seaport on the Indian Ocean. The all-black shack town was named Soweto,

sometimes called Soweto by the Sea, to distinguish it from the much larger township in Johannesburg.

I was in a shebeen, one of the unlicensed beer joints the racist regime allowed to exist. I had been in Soweto for some time, and word spread about a black American in the township. Being an American in South Africa at that time was ample cause for curiosity and suspicion among those fighting for freedom and democracy. After all, then-President Reagan had aligned the United States with the racist government that violently and systematically repressed the majority black population.

My absorption of shebeen culture was interrupted when three young men confronted me, asking me to step outside. At that time in the black townships, there were informal gangs, kind of like self-appointed vigilantes, known as Mabuto. They took it upon themselves to bring their brand of justice to those thought to be spies for the system. Sometimes that justice was a “necklace,” a flaming tire around someone’s neck.

Once outside in the no-streetlight night, one of the Mabuto informed me that “people are saying you are with the CIA.”

Not good. Also, not true.

I talked my way out of it by explaining how black Americans felt about Reagan.

That experience demonstrated the grave risks that can grow from situations that allow people to confuse intelligence or law enforcement officials with journalists. Like those officials, journalists go into dangerous environments, investigate controversial and illegal doings, and question unsavory characters. Being mistaken for an officer, while not having the same resources for protection — a gun and backup assistance, for example — can be hazardous to a reporter’s life.

In the 2007 case, an agent pretended to be a journalist to catch a teenager who had phoned in bomb threats to a high school in Lacey, Wash., south of Seattle. An FBI behavioral analysis determined that the 15-year-old “appeared to be very narcissistic and was feeding off the attention he was receiving as a result of the bomb threats,” according to the report.

But they didn’t know who was sending the emails through proxy servers to shield his location.

The FBI decided to play on the kid’s narcissism by sending him an email from the make-believe editor. The email included an attachment with a fake news story and pictures. When the link to the photos was clicked, it activated a computer program that revealed the teenager’s location. He was caught.

It was an ingenious ploy that worked. But the cost was clouding a crucial and needed distinction between law enforcement and journalism.

After the FBI's charade was exposed in 2014, the [Reporters Committee for Freedom of the Press](#) protested in a letter to the Justice Department and the FBI on behalf of more than two dozen journalism organizations, including The Washington Post. It said "the utilization of news media as a cover for delivery of electronic surveillance software ... endangers the media's credibility and creates the appearance that it is not independent of the government."

On Thursday, the day the study was released, [AP Vice President Paul Colford](#) said impersonation "compromises the ability of a free press to gather the news safely and effectively and raises serious constitutional concerns."

The FBI adopted "a much more strict interim policy" on impersonating journalists in June, as the study was being finalized, according to the report. But the stricter policy, which requires a series of approvals, falls short, said Bruce Brown, the Reporters Committee executive director.

Inspector General Michael Horowitz called the new policy "a significant improvement." True, but he should have pushed for a ban on journalistic impersonation.

Any policy regulating impersonation of journalists should do so "more aggressively than this one does," Brown said. A more aggressive policy, he added, would require the attorney general to approve the deception and inform the news organization affected, at least after its name had been used.

But even a more aggressive policy would be second best to no ruse.

Brown was emphatic: "We never want to see impersonation."

 **25 Comments**



Joe Davidson

Columnist Joe Davidson covers federal government issues in the Federal Insider, formerly the Federal Diary. Davidson previously was an assistant city editor at The Washington Post and a Washington and foreign correspondent with the Wall Street Journal, where he covered federal agencies and political campaigns.

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